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SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."



JASON KANDER
SECRETARY OF STATE

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety, or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety, or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 13—DEPARTMENT OF SOCIAL SERVICES Division 70—MO HealthNet Division Chapter 10—Nursing Home Program

EMERGENCY AMENDMENT

13 CSR 70-10.030 Prospective Reimbursement Plan for Nonstate-Operated Facilities for ICF//MR/IID Services. The division is amending sections (1)–(7) and adding new subparagraph (4)(A)1.O.

PURPOSE: This amendment changes the terminology of the services addressed in this regulation from “nonstate-operated intermediate care facility/mentally retarded (ICF/MR) services” to “nonstate-operated intermediate care facility for individuals with intellectual disabilities (ICF/IID) services” and provides for trend factors to be applied to adjust per diem rates for nonstate-operated ICF/IID facilities participating in the MO HealthNet program.

PURPOSE: This rule establishes a payment plan for nonstate-operated intermediate care facility/mentally retarded] for individuals with intellectual disabilities services. The plan describes principles to be followed by Title XIX intermediate care facility/mentally retarded] for individuals with intellectual disabilities providers in making financial reports and presents the necessary procedures for setting rates, making adjustments, and auditing the cost reports.

EMERGENCY STATEMENT: The Department of Social Services, MO HealthNet Division, by rule and regulation, must define the reason-

*able costs, manner, extent, quantity, quality, charges and fees of medical assistance provided. Effective for dates of service beginning February 1, 2016, the appropriation by the General Assembly included additional funds to increase nonstate-operated ICF/IID reimbursement rates by one percent (1%). The MO HealthNet Division is carrying out the General Assembly’s intent by providing for a per diem increase to ICF/IID reimbursement rates of one percent (1%). The one percent (1%) increase is necessary to ensure that payments for ICF/IID per diem rates are in line with the funds appropriated for that purpose. There are a total of seven (7) nonstate-operated ICF/IID providers currently enrolled in Missouri Medicaid, all of which will receive a one percent (1%) increase to their reimbursement rates. This emergency amendment will ensure payment for ICF/IID services to approximately seventy-seven (77) ICF/IID Missourians in accordance with the appropriation authority. For the State Fiscal Year 2016 trend increase to be implemented, a Medicaid State Plan Amendment (SPA) was required to be submitted to and approved by the Centers for Medicare and Medicaid Services (CMS). The SPA was approved by CMS on May 10, 2016, but the proposed state regulation will not be effective until approximately February 28, 2017. This emergency amendment must be implemented on a timely basis to ensure that quality ICF/IID services continue to be provided to Medicaid patients in ICF/IID facilities in accordance with the appropriation authority. As a result, the MO HealthNet Division finds an immediate danger to public health, safety, and/or welfare and a compelling governmental interest, which requires emergency action. The Missouri Medical Assistance program has a compelling governmental interest in providing continued cash flow for ICF/IID services. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended by the *Missouri* and *United States Constitutions*. The MO HealthNet Division believes this emergency amendment is fair to all interested persons and parties under the circumstances. A proposed amendment covering this same material will be published in the *Missouri Register*. This emergency amendment was filed August 15, 2016, becomes effective September 1, 2016, and expires February 27, 2017.*

(1) Objectives. This rule establishes a payment plan for nonstate-operated intermediate care facility/mentally retarded] for individuals with intellectual disabilities (ICF//MR/IID) services.

(2) General Principles.

(A) The MO HealthNet program shall reimburse qualified providers of ICF//MR/IID services based solely on the individual MO HealthNet participant’s days of care (within benefit limitations) multiplied by the facility’s Title XIX per diem rate less any payments made by participants.

(B) Effective November 1, 1986, the Title XIX per diem rate for all ICF//MR/IID facilities participating on or after October 31, 1986, shall be the lower of—

1. The average private pay charge;

2. The Medicare per diem rate, if applicable;

3. The rate paid to a facility on October 31, 1986, as adjusted by updating its base year to its 1985 fiscal year. Facilities which do not have a full twelve- (12-) month 1985 fiscal year shall not have their base years updated to their 1985 fiscal years. Changes in ownership, management, control, operation, leasehold interests by whatever form for any facility previously certified for participation in the MO HealthNet program at any time that results in increased capital costs for the successor owner, management, or leaseholder shall not be recognized for purposes of reimbursement; and

4. However, any provider who does not have a rate on October 31, 1986, and whose facility meets the definition in subsection (3)(J) of this rule, will be exempt from paragraph (2)(B)3., and the rate shall be determined in accordance with applicable provisions of this rule.

(3) Definitions.

(H) ICF//MR/IID. Nonstate-operated facilities certified to provide intermediate care for *[the mentally retarded] individuals with intellectual disabilities* under the Title XIX program.

(L) Providers. A provider under the Prospective Reimbursement Plan is a nonstate-operated ICF//MR/IID facility with a valid participation agreement, in effect on or after October 31, 1986, with the Missouri Department of Social Services for the purpose of providing long-term care (LTC) services to Title XIX-eligible participants. Facilities certified to provide intermediate care services to *[the mentally retarded] individuals with intellectual disabilities* under the Title XIX program may be offered a MO HealthNet participation agreement on or after January 1, 1990, only if 1) the facility has no more than fifteen (15) beds for *[mentally retarded residents] individuals with intellectual disabilities*, and 2) there is no other licensed residential living facility for *[mentally retarded] individuals with intellectual disabilities* within a radius of one-half (1/2) mile of the facility seeking participation in the MO HealthNet program.

(4) Prospective Reimbursement Rate Computation.

(A) Except in accordance with other provisions of this rule, the provisions of this section shall apply to all providers of ICF//MR/IID services certified to participate in Missouri's MO HealthNet program.

1. ICF//MR/IID facilities.

A. Except in accordance with other provisions of this rule, the MO HealthNet program shall reimburse providers of these LTC services based on the individual MO HealthNet-participant days of care multiplied by the Title XIX prospective per diem rate less any payments collected from participants. The Title XIX prospective per diem reimbursement rate for the remainder of state Fiscal Year 1987 shall be the facility's per diem reimbursement payment rate in effect on October 31, 1986, as adjusted by updating the facility's allowable base year to its 1985 fiscal year. Each facility's per diem costs as reported on its Fiscal Year 1985 Title XIX cost report will be determined in accordance with the principles set forth in this rule. If a facility has not filed a 1985 fiscal year cost report, the most current cost report on file with the department will be used to set its per diem rate. Facilities with less than a full twelve- (12-) month 1985 fiscal year will not have their base year rates updated.

B. For state FY-88 and dates of service beginning July 1, 1987, the negotiated trend factor shall be equal to two percent (2%) to be applied in the following manner: Two percent (2%) of the average per diem rate paid to both state- and nonstate-operated ICF//MR/IID facilities on June 1, 1987, shall be added to each facility's rate.

C. For state FY-89 and dates of service beginning January 1, 1989, the negotiated trend factor shall be equal to one percent (1%) to be applied in the following manner: One percent (1%) of the average per diem rate paid to both state- and nonstate-operated ICF//MR/IID facilities on June 1, 1988, shall be added to each facility's rate.

D. For state FY-91 and dates of service beginning July 1, 1990, the negotiated trend factor shall be equal to one percent (1%) to be applied in the following manner: One percent (1%) of the average per diem rate paid to both state- and nonstate-operated ICF//MR/IID facilities on June 1, 1990, shall be added to each facility's rate.

E. FY-96 negotiated trend factor. All nonstate-operated ICF//MR/IID facilities shall be granted an increase to their per diem rates effective for dates of service beginning January 1, 1996, of six dollars and seven cents (\$6.07) per patient day for the negotiated trend factor. This adjustment is equal to four and six-tenths percent (4.6%) of the weighted average per diem rates paid to nonstate-operated ICF//MR/IID facilities on June 1, 1995, of one hundred and thirty-one dollars and ninety-three cents (\$131.93).

F. State FY-99 trend factor. All nonstate-operated ICF//MR/IID facilities shall be granted an increase to their per diem rates effective for dates of service beginning July 1, 1998, of four dollars and forty-seven cents (\$4.47) per patient day for the trend factor. This adjustment is equal to three percent (3%) of the weighted

average per diem rate paid to nonstate-operated ICF//MR/IID facilities on June 30, 1998, of one hundred forty-eight dollars and ninety-nine cents (\$148.99).

G. State FY-2000 trend factor. All nonstate-operated ICF//MR/IID facilities shall be granted an increase to their per diem rates effective for dates of service beginning July 1, 1999, of four dollars and sixty-three cents (\$4.63) per patient day for the trend factor. This adjustment is equal to three percent (3%) of the weighted average per diem rate paid to nonstate-operated ICF//MR/IID facilities on April 30, 1999, of one hundred fifty-four dollars and forty-three cents (\$154.43). This increase shall only be used for increases for the salaries and fringe benefits for direct care staff and their immediate supervisors.

H. State FY-2001 trend factor. All nonstate-operated ICF//MR/IID facilities shall be granted an increase to their per diem rates effective for dates of service beginning July 1, 2000, of four dollars and eighty-one cents (\$4.81) per patient day for the trend factor. This adjustment is equal to three percent (3%) of the weighted average per diem rate paid to nonstate-operated ICF//MR/IID facilities on April 30, 2000, of one hundred sixty dollars and twenty-three cents (\$160.23). This increase shall only be used for increases for salaries and fringe benefits for direct care staff and their immediate supervisors.

I. State FY-2007 trend factor. All nonstate-operated ICF//MR/IID facilities shall be granted an increase of seven percent (7%) to their per diem rates effective for dates of service billed for state fiscal year 2007 and thereafter. This adjustment is equal to seven percent (7%) of the per diem rate paid to nonstate-operated ICF//MR/IID facilities on June 30, 2006.

J. State FY-2008 trend factor. Effective for dates of service beginning July 1, 2007, all nonstate-operated ICF//MR/IID facilities shall be granted an increase to their per diem rates of two percent (2%) for the trend factor. This adjustment is equal to two percent (2%) of the per diem rate paid to nonstate-operated ICF//MR/IID facilities on June 30, 2007.

K. State FY-2009 trend factor. Effective for dates of service beginning July 1, 2008, all nonstate-operated ICF//MR/IID facilities shall be granted an increase to their per diem rates of three percent (3%) for the trend factor. This adjustment is equal to three percent (3%) of the per diem rate paid to nonstate-operated ICF//MR/IID facilities on June 30, 2008.

L. State FY-2009 catch up increase. Effective for dates of service beginning July 1, 2008, all nonstate-operated ICF//MR/IID facilities shall be granted an increase to their per diem rates of thirteen and ninety-five hundredths percent (13.95%). This adjustment is equal to thirteen and ninety-five hundredths percent (13.95%) of the per diem rate paid to nonstate-operated ICF//MR/IID facilities on June 30, 2008. This increase is intended to provide compensation to providers for the years (2003, 2004, 2005, and 2006) where no trend factor was given. The catch up increase was based on the CMS PPS Skilled Nursing Facility Input Price Index (4 quarter moving average).

M. State FY-2012 trend factor. Effective for dates of service beginning October 1, 2011, all nonstate-operated ICF//MR/IID facilities shall be granted an increase to their per diem rates of one and four tenths percent (1.4%) for the trend factor. This adjustment is equal to one and four tenths percent (1.4%) of the per diem rate paid to nonstate-operated ICF//MR/IID facilities on September 30, 2011.

N. State FY-2014 trend factor. Effective for dates of service beginning January 1, 2014, all nonstate-operated ICF//MR/IID facilities shall be granted an increase to their per diem rates of three percent (3%) for the trend factor. This adjustment is equal to three percent (3%) of the per diem rate paid to nonstate-operated ICF//MR/IID facilities on December 31, 2013.

O. State FY-2016 trend factor. Effective for dates of service beginning February 1, 2016, all nonstate-operated ICF/IID facilities shall be granted an increase to their per diem rates of

one percent (1%) for the trend factor. This adjustment is equal to one percent (1%) of the per diem rate paid to nonstate-operated ICF//MR/IID facilities on January 31, 2016.

2. Adjustments to rates. The prospectively determined reimbursement rate may be adjusted only under the following conditions:

A. When information contained in a facility's cost report is found to be fraudulent, misrepresented, or inaccurate, the facility's reimbursement rate may be reduced, both retroactively and prospectively, if the fraudulent, misrepresented, or inaccurate information as originally reported resulted in establishment of a higher reimbursement rate than the facility would have received in the absence of this information. No decision by the MO HealthNet agency to impose a rate adjustment in the case of fraudulent, misrepresented, or inaccurate information in any way shall affect the MO HealthNet agency's ability to impose any sanctions authorized by statute or rule. The fact that fraudulent, misrepresented, or inaccurate information reported did not result in establishment of a higher reimbursement rate than the facility would have received in the absence of the information also does not affect the MO HealthNet agency's ability to impose any sanctions authorized by statute or rules;

B. In accordance with subsection (6)(B) of this rule, a newly constructed facility's initial reimbursement rate may be reduced if the facility's actual allowable per diem cost for its first twelve (12) months of operation is less than its initial rate;

C. When a facility's MO HealthNet reimbursement rate is higher than either its private pay rate or its Medicare rate, the MO HealthNet rate will be reduced in accordance with subsection (2)(B) of this rule;

D. When the provider can show that it incurred higher cost due to circumstances beyond its control, and the circumstances are not experienced by the nursing home or ICF//MR/IID industry in general, the request must have a substantial cost effect. These circumstances include, but are not limited to:

(I) Acts of nature, such as fire, earthquakes, and flood that are not covered by insurance;

(II) Vandalism, civil disorder, or both; or

(III) Replacement of capital depreciable items not built into existing rates that are the result of circumstances not related to normal wear and tear or upgrading of existing system;

E. When an adjustment to a facility's rate is made in accordance with the provisions of section (6) of this rule; or

F. When an adjustment is based on an Administrative Hearing Commission or court decision.

(B) In the case of newly constructed nonstate-operated ICF//MR/IID facilities entering the MO HealthNet program after October 31, 1986, and for which no rate has previously been set, the director or his/her designee may set an initial rate for the facility as in his/her discretion s/he deems appropriate. The initial rate shall be subject to review by the advisory committee under the provisions of section (6) of this rule.

(5) Covered Services and Supplies.

(A) ICF//MR/IID services and supplies covered by the per diem reimbursement rate under this plan, and which must be provided, as required by federal or state law or rule and include, among other services, the regular room, dietary and nursing services, or any other services that are required for standards of participation or certification. Also included are minor medical and surgical supplies and the use of equipment and facilities. These items include, but are not limited to, the following:

1. All general nursing services including, but not limited to, administration of oxygen and related medications, hand-feeding, incontinency care, tray service, and enemas;

2. Items which are furnished routinely and relatively uniformly to all participants, for example, gowns, water pitchers, soap, basins, and bed pans;

3. Items such as alcohol, applicators, cotton balls, bandaids, and tongue depressors;

4. All nonlegend antacids, nonlegend laxatives, nonlegend stool softeners, and nonlegend vitamins. Any nonlegend drug in one (1) of these four (4) categories must be provided to residents as needed and no additional charge may be made to any party for any of these drugs. Facilities may not elect which nonlegend drugs in any of the four (4) categories to supply; all must be provided as needed within the existing per diem rate;

5. Items which are utilized by individual participants but which are reusable and expected to be available, such as ice bags, bed rails, canes, crutches, walkers, wheelchairs, traction equipment, and other durable, nondepreciable medical equipment;

6. Additional items as specified in the appendix to this plan when required by the patient;

7. Special dietary supplements used for tube feeding or oral feeding, such as elemental high nitrogen diet, including dietary supplements written as a prescription item by a physician;

8. All laundry services except personal laundry which is a non-covered service;

9. All general personal care services which are furnished routinely and relatively uniformly to all participants for their personal cleanliness and appearance shall be covered services, for example, necessary clipping and cleaning of fingernails and toenails, basic hair care, shampoos, and shaves to the extent necessary for reasonable personal hygiene. The provider shall not bill the patient or his/her responsible party for this type of personal service;

10. All consultative services as required by state or federal law or regulation or for proper operation by the provider. Contracts for the purchase of these services must accompany the provider cost report. Failure to do so will result in the penalties specified in section (9) of this rule;

11. Semiprivate room and board and private room and board when necessary to isolate a participant due to a medical or social condition, such as contagious infection, irrational loud speech, and the like. Unless a private room is necessary due to a medical or social condition, a private room is a noncovered service, and a MO HealthNet participant or responsible party may therefore pay the difference between a facility's semiprivate charge and its charge for a private room. MO HealthNet participants may not be placed in private rooms and charged any additional amount above the facility's MO HealthNet per diem unless the participant or responsible party in writing specifically requests a private room prior to placement in a private room and acknowledges that an additional amount not payable by MO HealthNet will be charged for a private room;

12. Twelve (12) days per any period of six (6) consecutive months during which a participant is on a temporary leave of absence from the facility. Temporary leave of absence days must be specifically provided for in the participant's plan of care. Periods of time during which a participant is away from the facility because s/he is visiting a friend or relative are considered temporary leaves of absence; and

13. Days when participants are away from the facility overnight on facility-sponsored group trips under the continuing supervision and care of facility personnel.

(6) Rate Determination. All nonstate-operated ICF//MR/IID providers of LTC services under the MO HealthNet program who desire to have their rates changed or established must apply to the MO HealthNet Division. The department may request the participation of the Department of Mental Health in the analysis for rate determination. The procedure and conditions for rate reconsideration are as follows:

(E) Rate Adjustments. The department may alter a facility's per diem rate based on—

1. Court decisions;

2. Administrative Hearing Commission decisions;

3. Determination through desk audits, field audits, and other means, which establishes misrepresentations in or the inclusion of unallowable costs in the cost report used to establish the per diem

rate. In these cases, the adjustment shall be applied retroactively; or

4. Adjustments determined by the department without the advice of the rate advisory committee.

A. Prospective payment adjustment (PPA). A FY-92 PPA will be provided prior to the end of the state fiscal year for nonstate-operated ICF//MR/IID facilities with a current provider agreement on file with the MO HealthNet Division as of October 1, 1991.

(I) For providers which qualify, the PPA shall be the lesser of—

(a) The provider's facility peer group factor (FPGF) times the projected patient days (PPD) covered by the adjustment year times the prospective payment adjustment factor (PPAF) times the nonstate-operated intermediate care facility for *[the mentally retarded] individuals with intellectual disabilities* ceiling (ICF//MR/IIDC) on October 1, 1991 ($FPGF \times PPD \times PPAF \times ICF//MR/IIDC$). For example: A provider having nine hundred twenty (920) paid days for the period May 1991 to July 1991 out of a total paid days for this same period of twenty-eight thousand five hundred sixty-one (28,561) represents an FPGF of three and twenty-two hundredths percent (3.22%). So using the FPGF of $3.22\% \times 114,244 \times 24.5\% \times \$156.01 = \$140,659$; or

(b) The provider FPGF times one hundred forty-five percent (145%) of the amount credited to the intermediate care revenue collection center (ICRCC) of the State Title XIX Fund (STF) for the period October 1, 1991 through December 31, 1991.

(II) FPGF—is determined by using each ICF//MR/IID facility's paid days for the service dates in May 1991 through July 1991 as of September 20, 1991, divided by the sum of the paid days for the same service dates for all provider's qualifying as of the determination date of October 16, 1991.

(III) ICF//MR/IIDC—is one hundred fifty-six dollars and one cent (\$156.01) on October 1, 1991.

(IV) PPAF—is equal to twenty-four and five-tenths percent (24.5%) for fiscal year 1992 which includes an adjustment for economic trends.

(V) PPD—is the projection of one hundred fourteen thousand two hundred forty-four (114,244) patient days made on October 1, 1991, for the adjustment year;

5. FY-92 trend factor and Workers' Compensation. All facilities with either an interim rate or a prospective per diem rate in effect on September 1, 1992, shall be granted an increase to their per diem rate effective September 1, 1992, of eight dollars and eighty-six cents (\$8.86) per patient day related to the continuation of the FY-92 trend factor and the Workers' Compensation adjustment. This adjustment is equal to seven and one-half percent (7.5%) of the March 1992 weighted average per diem rate of one hundred eighteen dollars and fourteen cents (\$118.14) for all nonstate-operated ICF//MR/IID facilities; or

6. FY-93 negotiated trend factor. All facilities with either an interim rate or prospective per diem rate in effect on September 1, 1992, shall be granted an increase to their per diem rate effective September 1, 1992, of one dollar and sixty-six cents (\$1.66) per patient day for the negotiated trend factor. This adjustment is equal to one and four-tenths percent (1.4%) of the March 1992 weighted average per diem rate of one hundred eighteen dollars and fourteen cents (\$118.14) for all nonstate-operated ICF//MR/IID facilities; and

(7) Allowable Cost Areas.

(N) Utilization Review. Incurred cost for the performance of required utilization review for ICF//MR/IID is an allowable cost area. The expenditures must be for the purpose of providing utilization review on behalf of a Title XIX participant. Utilization review costs incurred for Title XVIII and Title XIX must be apportioned on the basis of reimbursable participant days recorded for each program during the reporting period.

(R) Apportionment of Costs to MO HealthNet Participant Residents.

1. Provider's allowable cost areas shall be apportioned between

MO HealthNet program participant residents and other patients so that the share borne by the MO HealthNet program is based upon actual services received by program participants.

2. To accomplish this apportionment, the ratio of participant residents' charges to total patient charges for the service of each ancillary department may be applied to the cost of this department. To this shall be added the cost of routine services for MO HealthNet program participant residents determined on the basis of a separate average cost per diem for general routine care areas or at the option of the provider on the basis of overall routine care area.

3. So that its charges may be allowable for use in apportioning costs under the program, each provider shall have an established charge structure which is applied uniformly to each patient as services are furnished to the patient and which is reasonable and consistently related to the cost of providing these services.

4. Average cost per diem for general routine services means the amount computed by dividing the total allowable patient costs for routine services by the total number of patient days of care rendered by the provider in the cost-reporting period.

5. A patient day of care is that period of service rendered a patient between the census-taking hours on two (2) consecutive days, including the twelve (12) temporary leave of absence days per any period of six (6) consecutive months as specifically covered under section (5) of this rule, the day of discharge being counted only when the patient was admitted the same day. A census log shall be maintained in the facility for documentation purposes. Census shall be taken daily at midnight. A day of care includes those overnight periods when a participant is away from the facility on a facility-sponsored group trip and remains under the supervision and care of facility personnel.

6. ICF//MR/IID facilities that provide intermediate care services to MO HealthNet participants may establish distinct part cost centers in their facility provided that adequate accounting and statistical data required to separately determine the nursing care cost of each distinct part is maintained. Each distinct part may share the common services and facilities, such as management services, dietary, housekeeping, building maintenance, and laundry.

7. In no case may a provider's allowable costs allocated to the MO HealthNet program include the cost of furnishing services to persons not covered under the MO HealthNet program.

AUTHORITY: section 208.159, RSMo 2000, and sections 208.153 and 208.201, RSMo Supp. 2013. This rule was previously filed as 13 CSR 40-81.083. Original rule filed Aug. 13, 1982, effective Nov. 11, 1982. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Aug. 15, 2016, effective Sept. 1, 2016, expires Feb. 27, 2017. A proposed amendment covering this same material is published in this issue of the Missouri Register.

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety- (90-) day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 7—DEPARTMENT OF TRANSPORTATION Division 10—Missouri Highways and Transportation Commission Chapter 1—Organization; General Provisions

PROPOSED AMENDMENT

7 CSR 10-1.010 Description, Organization, and Information. The Missouri Highways and Transportation Commission is amending sections (1), (2), and (3).

PURPOSE: This amendment updates the department's organizational structure consistent with the department's current business practices as required by section 536.023, RSMo.

(1) History and Authority. The Highways and Transportation Department was formed when voters approved Constitutional Amendment 2 in November 1979, merging the previously separate

Highways and Transportation Departments. *[Legislation passed in 1996]* **Constitutional Amendment 3, approved by voters in 2004**, changed the name of the Highways and Transportation Department to the Missouri Department of Transportation (MoDOT or department). **Per Article IV, Section 29, Missouri Constitution**, MoDOT is governed by the Missouri Highways and Transportation Commission (commission). The commission has authority over all state highways and transportation programs and facilities as provided by Article IV, Sections 29, 30(a), 30(b), and 30(c) of the *Missouri Constitution*. The number, qualifications, compensation, and terms of the members of the commission are fixed by law. Under Chapter 226, RSMo, the bi-partisan commission is comprised of six (6) members. Commission members are appointed by the governor, by and with the consent of the senate, for terms of six (6) years. Not more than three (3) commissioners can be members of the same political party. The director of MoDOT, as the chief executive officer, and secretary, as record keeper for the commission, are appointed by the commission under Chapter 226, RSMo. MoDOT is responsible for the location, design, construction, and maintenance of the state's highway system including accommodation for non-motorized transportation. MoDOT coordinates and cooperates with the owners and operators of transportation facilities and services, which include transit, air, rail, ports, and waterborne commerce. MoDOT works with these groups in the development and improvement of public and special transit systems, airports, rail facilities, and ports. MoDOT administers federal and state funds for various transportation programs as these funds become available. In carrying out these functions, MoDOT works closely with local governments and citizens of the state in the planning and development of these programs, services, and facilities.

(2) Organization.

(A) General Management.

1. The director is the chief executive officer and is appointed by, and serves at the discretion of, the commission. The director appoints a chief engineer, chief financial officer, chief counsel (with the consent of the commission), and other leaders and employees as the commission may designate and deem necessary. Under the direction of the commission, the director is responsible for the overall operations and performance of the department and prescribes the duties and authority of employees. The selection and removal of all employees is without regard to political affiliation. The duties of the chief engineer, chief financial officer, and chief counsel are as follows:

A. The chief engineer *[has input on overall department decisions at MoDOT as well as overseeing engineering operations such as planning, construction, and maintenance. This position reports directly to the director and serves as the primary advisor regarding engineering issues. The chief engineer handles MoDOT's day-to-day operations. The chief engineer is also responsible for an oversight role in the preparation and approval of all engineering documents, plans, and specifications. This position provides general oversight of all design, construction, and maintenance work for the department as determined by the director]* serves as MoDOT's primary advisor regarding engineering issues. This position is responsible for providing general oversight of all planning, design, construction, and maintenance work for the department as determined by the director, including preparation and approval of all engineering documents, plans, and specifications. The chief engineer reports to the director and provides input on overall department decisions;

B. The chief financial officer is responsible for all administrative operations of MoDOT. This position provides general oversight of financial and business planning, information technology, and other administrative and financial functions as determined by the director; and

C. The chief counsel advises and represents the commission and the director in all actions and proceedings to which either may be a party or in proceedings under Chapters 226 and 227, RSMo, or with respect to any law administered by the commission or any order or proceeding of the commission. The chief counsel is responsible for drafting all contracts, conveyances, agreements, or other documents affecting the commission, property held or acquired by it, and any action taken by the commission. The chief counsel, with the director's approval, appoints assistant counsel(s) as necessary to represent the commission and the department.

2. The secretary to the commission is responsible for maintaining records of all proceedings of the commission and is the custodian of all records, documents, and papers filed with the commission, department, and other public governmental bodies established by the commission.

(B) Divisions. MoDOT pursues its mission through the following divisions:

1. Audits and Investigations is responsible for *[performing]* **conducting** audits of department operations, external contracts, grant agreements, *[and]* motor carrier fuel tax returns, and apportioned registrations. The division also investigates: fraud, waste, and abuse; *[handles]* employee grievances; *[and]* Equal Employment Opportunity complaints; **conducts mediations**; and analyzes competitive bidding practices;

2. Bridge is responsible for the structural design and detailed plans production for all state highway bridges, including cost estimates and site-specific job special provisions. Additional responsibilities include maintaining the National Bridge Inventory, recommending load posting limits for both state and non-state bridges, **bridge inspection**, and analyzing structures for special superload overweight permit loads traveling within the state;

3. **Communications is responsible for disseminating information on the activities of the commission and MoDOT to the public and to MoDOT personnel. Communications coordinates customer comments to MoDOT through public involvement meetings, customer service representatives, and surveys. Communications helps MoDOT communicate with news media through news releases and personal contact. Communications creates strategies statewide and through MoDOT's districts that educate and inform stakeholders through the web, social media, presentations, video, publications, displays, and other mediums;**

[3.]4. Construction and Materials is responsible for administering [all] construction contracts awarded by the commission. Contracts are awarded through the competitive bid or design build selection process, and then work is assigned to project offices [located] geographically located throughout the state. Engineers and technicians [assigned to these project offices do field surveying and perform quality control tests on the work performed by contractors to ensure quality construction that improves Missouri's transportation system. Construction and Materials is responsible for sampling and testing of materials used in the construction and maintenance of roadways and structures to ensure compliance with applicable standards and specifications. Construction and Materials personnel analyze pavement designs, roadway foundations, asphaltic concrete, and Portland cement mixtures, as well as carry out soil and subsurface condition surveys and furnish geotechnical information for the design, construction, and maintenance of roads and structures] make owner/engineering decisions, verify contract compliance through testing and inspection, and complete and review documentation necessary to authorize payment. Construction and Materials is responsible for testing to ensure the materials used for maintenance and construction of our transportation system meet the quality standards and specifications;

[4. Customer Relations is responsible for disseminating information on the activities of the commission and MoDOT to the public and to MoDOT personnel. Customer Relations

coordinates customer comments to MoDOT through public involvement meetings, customer service representatives, and surveys. Customer Relations helps MoDOT communicate with news media through news releases and personal contact. Customer Relations also improves MoDOT contact with customers by preparing speeches, publications, displays, and plans for communication and marketing. Customer Relations is also responsible for spearheading and directing organizational performance measures to be reported in the Tracker, and facilitates process improvement, customer satisfaction, and problem solving teams to improve operational performance;]

5. Design is responsible for the location, environmental, and cultural resource studies required for initial evaluation of proposed projects; detailed route studies, ground surveys, and aerial photography; and design and plan preparation including cost estimates for the state transportation projects. Design advertises and makes all preparations for receiving bids for transportation project contracts including the development of specifications and cost estimates prior to advertising for bids. Design is also responsible for acquisition of right of way required for the construction and maintenance of all state highways in addition to properties incidental to the system of state highways in Missouri, and provides relocation assistance for all persons displaced by the commission's right of way acquisition. Design administers the disposal or lease of land considered excess to commission needs and the regulation of outdoor advertising billboards and junkyards adjacent to regulated state highways. Design administers the Scenic Byway Program;

6. Equal Opportunity and Diversity is responsible for directing the department's Affirmative Action Program and other initiatives aimed at achieving and maintaining a diverse workforce;

7. External Civil Rights is responsible for directing the department's external affirmative action, equal opportunity, and nondiscrimination programs, which include the Disadvantaged Business Enterprise Program, On-the-Job Training Program, Equal Employment Opportunity, Title VI, Americans with Disabilities Act (ADA), and all other nondiscrimination or affirmative action programs related to federal-aid contracting activities;

8. Financial Services is responsible for providing administrative support to MoDOT in accounting, financial reporting, and policy development, building and maintaining an effective system of internal controls, and cost accounting. Financial Services is also responsible for coordinating financial resources and spending plans through forecasting, analysis, and training. Financial Services **also** performs financial planning and fiscal analysis, budget, federal aid **management**, and innovative finance administration functions for the department;

9. General Services is responsible for supporting MoDOT activities by providing guidance and support services in the areas of facilities management, procurement, inventory management, fleet management, and equipment repair;

10. Governmental Relations is responsible for *[providing a] acting as MoDOT's liaison between [MoDOT,] Missouri's congressional delegation[s], [and] the Missouri Legislature, and local political subdivisions. Staff members [disseminate information regarding proposed legislation affecting MoDOT and analyze the content of legislation, legislative proposals, and policy options] review and analyze proposed transportation-related legislation affecting MoDOT and provide either support or options for improving the legislative proposals and public policies impacting the traveling public. Governmental Relations staff also serve as a liaison between MoDOT and national transportation associations;*

11. Human Resources is responsible for continually developing and improving human resources' processes that support MoDOT and its employees in contributing to a quality transportation system. Responsibilities include nationally recruiting college graduates for placement throughout the state and administering employee development programs, personnel policies, the department's pay system, and

personnel records;

12. Information Systems is responsible for providing and improving information and communication services used by employees of MoDOT through the operation and maintenance of local and statewide data networks and telephone services. Information Systems staff provide applications programming expertise to support the engineering, financial, operational, and general information needs of MoDOT;

13. Maintenance is responsible for assisting and supporting maintenance activities for the preservation and operation of the state highway system;

14. Motor Carrier Services provides information, credentials, and permits and enforces safety for businesses and individuals interested in commercial property and passenger-carrying operations on public highways in and through Missouri;

15. Multimodal Operations is responsible for administering state and federal programs that support and develop non-highway passenger and freight transportation, which include aviation, railroads, transit, and waterways. Major programs include capital improvements, operating support, technical assistance, safety outreach, and identifying freight efficiencies/opportunities;

16. Risk and Benefits Management is responsible for the management and implementation of medical and life insurance plans for department employees and retirees; administration of MoDOT's self-insurance operations, including workers' compensation, fleet liability, general liability, and property damage recovery; and administration of the safety and health programs;

17. Traffic and Highway Safety is responsible for the safe and efficient movement of people and goods on the state highway system. This includes supporting signing, striping, traffic signals, lighting, intelligent transportation systems (ITS), roadway access, and safety management programs throughout the state. Traffic and Highway Safety is responsible for the coordination of traffic management, incident management, traveler information services, and the radio and emergency communication systems; and is also responsible for planning, directing, and coordinating the solicitation, review, award, and monitoring of federal highway safety grant contracts and concentrates their efforts in the areas of education, enforcement, and engineering to prevent deaths and injuries from motor vehicle accidents; and

18. Transportation Planning is responsible for *collecting, managing, and analyzing data to provide a single source of information to support MoDOT's decision process related to maintenance, construction, and reconstruction of the state transportation system; developing and tracking the five- (5-) Year Highway and Bridge Construction Schedule and the Statewide Transportation Improvement Program; mapping; and developing/ planning* and coordinating a long range, total transportation system for MoDOT. **This includes developing the long range transportation plan; developing, coordinating, and tracking the five- (5-) year Statewide Transportation Improvement Program; mapping; collecting, managing, and analyzing data to provide a single source of information to support MoDOT's decision process related to maintenance, construction, and reconstruction of the state transportation system; leading organizational performance management, including the production of MoDOT's quarterly performance management document, Tracker; and facilitating process improvement, customer satisfaction, and problem solving teams to improve operational performance.**

(3) How to Obtain Information. The official residence of the commission, as well as the offices of the director, chief counsel, commission secretary, and divisions of MoDOT, is the Missouri Department of Transportation Building in Jefferson City, Missouri. Written inquiries by the public should be addressed to the Commission Secretary, Missouri Department of Transportation Building, PO Box 270, Jefferson City, MO 65102. The general information telephone number is (573) 751-2551. Inquiries may be made via email to com-

ments@modot.mo.gov. Information from any district office of the department may be obtained in person, by writing, or by telephoning the District Engineer, Missouri Department of Transportation: Northwest District, 3602 North Belt Highway, St. Joseph, MO 64506-1399, (816) 387-2350; Northeast District, 1711 South Highway 61, [PO Box 1067,] Hannibal, MO 63401, (573) 248-2490; Kansas City District, 600 NE Colbern Rd., Lee's Summit, MO 64086, (816) 622-6500; Central District, 1511 Missouri Boulevard, PO Box 718, Jefferson City, MO 65102, (573) 751-3322; St. Louis District, 1590 Woodlake Drive, Chesterfield, MO 63017, (314) 275-1500; Southwest District, 3025 East Kearney, PO Box 868, Springfield, MO 65801, (417) 895-7600; and Southeast District, 2675 N. Main Street, PO Box 160, Sikeston, MO 63801, (573) 472-5333.

AUTHORITY: section 536.023, RSMo Supp. 2013. Original rule filed Oct. 14, 1976, effective March 1, 1977. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 4, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 10—DEPARTMENT OF NATURAL RESOURCES

Division 26—Petroleum and Hazardous Substance Storage Tanks

Chapter 2—Underground Storage Tanks—Technical Regulations

PROPOSED AMENDMENT

10 CSR 26-2.010 Applicability. The commission is amending sections (2) and (3) and adding a new section (4) to this rule.

PURPOSE: There are two (2) primary purposes for this rulemaking. The first is to open UST rules in Title 10, Division 26 of the Code of State Regulations to make the necessary changes required by the U.S. Environmental Protection Agency (EPA). The 2005 Energy Policy Act required either financial responsibility for UST installers and manufacturers or secondary containment for all new systems. In addition, last October, EPA adopted changes to the federal UST regulations that need to be incorporated into state regulation. This rulemaking will make the necessary changes to comply with these EPA grant requirements and to incorporate the changes made to the federal regulations.

The second reason is to incorporate state-specific changes. The proposed changes would better ensure that old tanks are still functional enough to remain in use. The changes would better prevent and detect leaks, establish clearer and more detailed new system requirements, and incorporate new technologies. The department will also take this opportunity to clarify ambiguous or confusing language and update industry standard referenced in the regulations.

(2) The following UST systems are excluded from the requirements of this chapter:

(A) Any UST system holding hazardous wastes listed or identified

in the Missouri Hazardous Waste Management Law, sections 260.350–260.434, RSMo, and the rules promulgated thereunder or a mixture of hazardous waste and other regulated substances, except for *[waste/ used]* oil as defined in 10 CSR 25-11.279;

(3) *[Deferrals]* **Partial Exclusions.** Rules 10 CSR 26-2.020–10 CSR 26-2.053 and closure requirements in 10 CSR 26-2.060–10 CSR 26-2.064 do not apply to any of the following types of UST systems:

(A) Wastewater treatment tank systems **not covered in subsection (2)(B) above**;

(C) Any UST system that is part of an emergency generator system at nuclear power generation facilities *[regulated/ licensed]* by the Nuclear Regulatory Commission *[under/ and]* **subject to the Nuclear Regulatory Commission requirements regarding design and quality criteria, including but not limited to, 10 CFR Part 50*[, Appendix A]***;

(D) **Aboveground tanks associated with *[A/airport]* hydrant fuel distribution systems; and**

(E) *[UST systems with/]* **Aboveground tanks associated with field-constructed tanks.**

(4) **Previously deferred UST systems. Previously deferred airport hydrant fuel distribution systems, tank systems, and field constructed tanks systems must meet one (1) of the following options for compliance:**

(A) **Option 1. Owners and operators must document that the previously deferred UST is appropriate for continued use by providing proof of compliance with 10 CSR 26-2.020 through 10 CSR 26-2.048; or**

(B) **Option 2. Permanent closure of the UST system no later than July 1, 2019.**

(C) **New UST systems installed after July 1, 2017, must meet all requirements at installation.**

AUTHORITY: sections 319.100, 319.105, 319.107, 319.111, and 319.114, RSMo 2000, and sections 319.109 and 319.137, RSMo Supp. [2010] 2013. This rule originally filed as 10 CSR 20-10.010. Original rule filed April 2, 1990, effective Sept. 28, 1990. Amended: Filed Jan. 2, 1996, effective Aug. 30, 1996. Moved and amended: Filed April 15, 2011, effective Dec. 30, 2011. Amended: Filed Aug. 15, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate. The public entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on October 20, 2016, at the Elm Street Conference Center, 1730 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on October 27, 2016. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on October 27, 2016. Email comments shall be sent to heather.peters@dnr.mo.gov.

Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1730 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 26—Petroleum and Hazardous Substance
Storage Tanks
Chapter 2—Underground Storage Tanks—Technical
Regulations**

PROPOSED AMENDMENT

10 CSR 26-2.011 Interim Prohibition for Deferred Underground Storage Tank Systems. The commission is proposing to delete sections (2) and (3) of this rule.

PURPOSE: *There are two (2) primary purposes for this rulemaking. The first is to open UST rules in Title 10, Division 26 of the Code of State Regulations to make the necessary changes required by the U.S. Environmental Protection Agency (EPA). The 2005 Energy Policy Act required either financial responsibility for UST installers and manufacturers or secondary containment for all new systems. In addition, last October, EPA adopted changes to the federal UST regulations that need to be incorporated into state regulation. This rulemaking will make the necessary changes to comply with these EPA grant requirements and to incorporate the changes made to the federal regulations.*

The second reason is to incorporate state-specific changes. The proposed changes would better ensure that old tanks are still functional enough to remain in use. The changes would better prevent and detect leaks, establish clearer and more detailed new system installation requirements, outline the requirements for new USTs at marinas, and incorporate new technologies. The department will also take this opportunity to clarify ambiguous or confusing language and update industry standard referenced in the regulations.

[(2) Notwithstanding section (1) of this rule, a UST system without corrosion protection may be installed at a site that is determined by a corrosion expert not to be corrosive enough to cause it to have a release due to corrosion during its operating life. Owners and operators must maintain records that demonstrate compliance with the requirements of this section for the remaining life of the tank.]

[(3) The determination in section (2) of this rule should comply with the following recommended practice: NACE International RP 0285-2002, Corrosion Control of Underground Storage Tank Systems by Cathodic Protection, revised 2002. This document is incorporated by reference without any later amendments or modifications. To obtain a copy contact NACE International, Box 218340, Houston, TX 77218-8340, (713) 492-0535, www.nace.org.]

AUTHORITY: section 319.105, RSMo 2000, and section 319.137, RSMo Supp. [2010] 2013. This rule originally filed as 10 CSR 20-10.011. Original rule filed April 2, 1990, effective Sept. 28, 1990. Moved and amended: Filed April 15, 2011, effective Dec. 30, 2011. Amended: Filed Aug. 15, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate. The public entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate. The private

entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on October 20, 2016, at the Elm Street Conference Center, 1730 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on October 27, 2016. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on October 27, 2016. Email comments shall be sent to heather.peters@dnr.mo.gov. Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1730 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 26—Petroleum and Hazardous Substance
Storage Tanks
Chapter 2—Underground Storage Tanks—Technical
Regulations**

PROPOSED AMENDMENT

10 CSR 26-2.012 Definitions. The commission is proposing to amend section (1) of this rule.

PURPOSE: There are two (2) primary purposes for this rulemaking. The first is to open UST rules in Title 10, Division 26 of the *Code of State Regulations* to make the necessary changes required by the U.S. Environmental Protection Agency (EPA). The 2005 Energy Policy Act required either financial responsibility for UST installers and manufacturers or secondary containment for all new systems. In addition, last October, EPA adopted changes to the federal UST regulations that need to be incorporated into state regulation. This rulemaking will make the necessary changes to comply with these EPA grant requirements and to incorporate the changes made to the federal regulations.

The second reason is to incorporate state-specific changes. The department will also take this opportunity to clarify ambiguous or confusing language and update industry standard referenced in the regulations.

(1) Many definitions relevant to this rule are set forth in the underground storage tank (UST) law in section 319.100, RSMo. [The regulations set forth in 40 CFR part 280.12, July 1, 2010, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. The definitions set forth in 40 CFR 280.12, are subject to the following additions, modifications, substitutions, or deletions in the subsections:]

(A) Definitions beginning with the letter A.

1. “Aboveground release” means any release to the surface of the land or to surface water. This includes, but is not limited to, releases from the aboveground portion of a UST system and aboveground releases associated with overfills and transfer operations as the regulated substance moves to or from a UST system.

2. “Airport hydrant fuel distribution system” (also called

airport hydrant system) means a UST system which fuels aircraft and operates under high pressure that typically terminates into one (1) or more hydrants (fill stands). The airport hydrant system begins where fuel enters one (1) or more tanks from an external source such as a pipeline, barge, rail car, or other motor fuel carrier.

3. “Ancillary equipment” means any devices used to distribute, meter, or control the flow of regulated substances to and from a UST including, but not limited to, such devices as piping, fittings, flanges, valves, and pumps.

[1.]4. “Annual” means recurring, done, or performed every three hundred sixty-five (365) days.

[2.]5. “Annually” means at least once every three hundred sixty-five (365) days[;].

(B) Definitions beginning with the letter B. [(Reserved);]

1. “Belowground release” means any release to the subsurface of the land or to groundwater. This includes, but is not limited to, releases from the belowground portions of a UST system and belowground releases associated with overfills and transfer operations as the regulated substances move to or from a UST.

2. “Beneath the surface of the ground” means beneath the ground surface or otherwise covered with earthen materials.

3. “Biannually” or “biannual” means recurring, done, or performed every six (6) months.

(C) Definitions beginning with the letter C.

1. “Cathodic protection” is a technique to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell. For example, a tank system can be cathodically protected through the application of either galvanic anodes or impressed current.

2. “Cathodic protection tester” means a person who can demonstrate an understanding of the principles and measurements of all common types of cathodic protection systems as applied to buried or submerged metal piping and tank systems. At a minimum, such persons must be certified by NACE International, the Steel Tank Institute, or the International Code Council.

[1.]3. [To the definition of] “CERCLA” [at 40 CFR 280.12, incorporated in this rule, add the words “] means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986[” after the words “as amended”];].

4. “Compatible” means the ability of two (2) or more substances to maintain their respective physical and chemical properties upon contact with one another for the design life of the tank system under conditions likely to be encountered in the UST.

5. “Connected piping” means all piping including valves, elbows, joints, flanges, and flexible connectors attached to a UST system through which regulated substances flow. For the purpose of determining how much piping is connected to any individual UST system, the piping that joins two (2) UST systems should be allocated equally between them.

6. “Consumptive use” with respect to heating oil means consumed on the premises for heating purposes, typically in the operation of heating equipment, boilers, and furnaces.

7. “Containment sump” means a liquid-tight container that protects the environment by containing leaks and spills of regulated substances from piping, dispensers, pumps, and related components in the containment area.

8. “Corrosion expert” means a person who, by reason of thorough knowledge of the physical sciences and the principles of engineering and mathematics acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. Such a person must be certified by NACE International as a CP Technologist, CP Specialist, or

Senior Corrosion Technologist, or for sti-P3® tanks, a Steel Tank Institute certified Cathodic Protection Inspector.

(D) Definitions beginning with the letter D.

1. “*De minimus*” means—

A. Any volume of regulated substance(s) contained in a tank with a capacity of less than one hundred ten (110) gallons; or
B. A very low concentration of regulated substances; or
C. Any volume of regulated substance(s) contained in an emergency backup tank that holds regulated substances for only a short period of time and is expeditiously emptied after use. (Comment: *De minimus* tanks include: swimming pools, permitted wastewater treatment facilities, and chlorinated, potable water storage tanks. An oil-water separator is not a *de minimus* system unless the tank has a less than one hundred ten (110) gallon capacity.)

2. “Department,” unless otherwise stated, means the Missouri Department of Natural Resources[;].

3. “Dielectric material” means a material that does not conduct direct electrical current. Dielectric coatings are used to electrically isolate UST systems from the surrounding soils. Dielectric bushings are used to electrically isolate portions of the UST system (e.g., tank from piping).

4. “Dispenser” means equipment located aboveground that dispenses regulated substances from the UST system.

5. “Dispenser system” means the dispenser and the equipment necessary to connect the dispenser to the underground storage tank system.

6. “Double-walled piping” is a pipe within a pipe, where the outer wall and inner walls are separated, the inner pipe is completely contained within the outer pipe, except for any single wall fittings or ends, which must be open to a leak-tight containment sump, and the space between the two (2) pipes can be used to monitor the integrity of both the inner and outer pipes.

(E) Definitions beginning with the letter E.

1. [In the definition for “existing tank system” in 40 CFR 280.12 incorporated in this rule, substitute the date “September 28, 1990” for the date “December 22, 1988”:] “Electrical equipment” means underground equipment that contains dielectric fluid that is necessary for the operation of equipment such as transformers and buried electrical cable.

2. “Excavation zone” means the volume containing the tank system and backfill material bounded by the ground surface, walls, and floor of the pit and trenches into which the UST system is placed at the time of installation.

(F) Definitions beginning with the letter F. [(Reserved);]

1. “Farm tank” is a tank located on a tract of land devoted to the production of crops or raising animals, including fish, and associated residences and improvements. A farm tank must be located on the farm property. Farm includes fish hatcheries, rangeland, and nurseries with growing operations.

2. “Field-constructed tank” means an underground tank constructed in the field or location where it will be used to store a regulated substance. For example, a tank constructed of concrete that is poured on-site or a steel erected tank. This does not include field modifications to a factory-built tank.

3. “Flow-through process tank” is a tank that forms an integral part of a production process through which there is a steady, variable, recurring, or intermittent flow of materials during the operation of the process. Flow-through process tanks do not include tanks used for the storage of materials prior to their introduction into the production process or for the storage of finished products or by-products from the production process.

4. “Free product” refers to a regulated substance that is present as a non-aqueous phase liquid (e.g., liquid not dissolved in water).

(G) Definitions beginning with the letter G. [(Reserved);]

1. “Gathering lines” means any pipeline, equipment, facility, or building used in the transportation of oil or gas during oil or gas production or gathering operations.

(H) Definitions beginning with the letter H.

1. [This definition shall apply in lieu of the definition of “hazardous substance UST system” in 40 CFR 280.12 incorporated in this rule.] “Hazardous substance UST system” means a UST system that contains a hazardous substance defined in Section 101(14) of the CERCLA (but not including any substance regulated as a hazardous waste under the Missouri Hazardous Waste Management Law, sections 260.350–260.434, RSMo) or any mixture of these substances and petroleum, and which is not a petroleum [UST systems] storage tank[;].

2. “Heating oil” means petroleum that is No. 1, No. 2, No. 4—light, No. 4—heavy, No. 5—light, No. 5—heavy, and No. 6 technical grades of fuel oil; other residual fuel oils (including Navy Special Fuel Oil and Bunker C); and other fuels when used as substitutes for one (1) of these fuel oils. Heating oil is typically used in the operation of heating equipment, boilers, or furnaces.

3. “Hydraulic lift tank” means a tank holding hydraulic fluid for a closed-loop mechanical system that uses compressed air or hydraulic fluid to operate lifts, elevators, and other similar devices.

(I) Definitions beginning with the letter I.

1. The definition for “implementing agency” in 40 CFR 280.12 is not incorporated into this rule.]

[2.]1. The term “in-operation” means input or output that occurs on a regular basis for the tank’s intended purpose.

[3.]2. The terms “in-service” and “in-use” are equivalent and mean that the tank system contains more than one inch (1”) of a regulated substance or residue or three-tenths percent (0.3%) by weight of the total capacity of the UST system of regulated substance. A tank is considered to be in-service and in-use beginning with the first input of a regulated substance into the tank system.

[4.]3. The term “installer” means any person, partnership, corporation, company, business, firm, society, or association that installs part or all of an underground storage tank system[;].

(J) Definitions beginning with the letter J. (Reserved)[;].

(K) Definitions beginning with the letter K. (Reserved)[;].

(L) Definitions beginning with the letter L. [(Reserved);]

1. “Liquid trap” means sumps, well cellars, and other traps used in association with oil and gas production, gathering, and extraction operations (including gas production plants), for the purpose of collecting oil, water, and other liquids. These liquid traps may temporarily collect liquids for subsequent disposition or reinjection into a production or pipeline stream, or may collect and separate liquids from a gas stream.

(M) Definitions beginning with the letter M.

1. “Maintenance” means the normal operational upkeep to prevent an underground storage tank system from releasing regulated substances.

[1.]2. “Month,” unless otherwise stated, means thirty (30) days.

[2.]3. “Monthly” means at least once every thirty (30) days[;].

4. “Motor fuel” means a complex blend of hydrocarbons typically used in the operation of a motor engine, such as motor gasoline, aviation gasoline, No. 1 or No. 2 diesel fuel, or any blend containing one (1) or more of these substances (for example: motor gasoline blended with alcohol).

(N) Definitions beginning with the letter N.

1. [In the definition for “new tank system” in 40 CFR 280.12 incorporated in this rule, substitute the date “September 28, 1990” for the date “December 22, 1988”:] “Noncommercial purposes” with respect to motor fuel means not for resale.

(O) Definitions beginning with the letter O.

1. “On the premises where stored,” with respect to heating oil, means UST systems located on the same property where the stored heating oil is used.

[1.]2. [In the definition for “operational life” in 40 CFR 280.12 incorporated in this rule, substitute] “Operational life” refers to the period beginning when installation of the tank

system has commenced until the time the tank system is properly closed under [“]10 CSR 26-2.060–10 CSR 26-2.064[“ for “Subpart G”].

2. The terms “out-of-service” and “out-of-use” are equivalent and mean that the tank system has been emptied so that no more than one inch (1”) of regulated substance or residue or three-tenths percent (0.3%) by weight of the total capacity of the UST system remains.]

3. [The definition for “owner” in 40 CFR 280.12 is not incorporated in this rule, and the definition in section 319.100(9) RSMo, shall be used instead;] “Operator” means any person in control of, or having responsibility for, the daily operation of a tank.

4. The terms “out-of-service” and “out-of-use” are equivalent and mean that the tank system has been emptied so that no more than one inch (1”) of regulated substance or residue or three-tenths percent (0.3%) by weight of the total capacity of the UST system remains.

5. “Overfill release” is a release that occurs when a tank is filled beyond its capacity, resulting in the discharge of the regulated substance to the environment.

6. “Owner” means any person who owned an underground storage tank immediately before the discontinuation of its use if not in use on August 28, 1989, or any person who owns an underground storage tank in use on or after August 28, 1989, excluding secured interest or lienholders exempted under section 319.100(9) RSMo.

(P) Definitions beginning with the letter P.

1. [The definition for “person” in 40 CFR 280.12 is not incorporated in this rule and the definition in section 319.100(11), RSMo, shall be used instead;] “Person” means any individual, trust, firm, joint stock company, corporation, including a government corporation, partnership, association, the state and its political subdivisions, or any interstate body. “Person” also includes any consortium, joint venture, commercial entity, and the government of the United States.

2. “Petroleum” means gasoline, kerosene, diesel, lubricants, and fuel oil. This definition includes motor fuels, aviation gas, jet fuels, distillate fuel oils, residual fuel oils, and petroleum solvents.

3. “Petroleum storage tank,” in this chapter, means an underground storage tank system used to contain an accumulation of petroleum.

4. “Pipe or piping” means a hollow cylinder or tubular conduit that is constructed of non-earthen materials.

5. “Pipeline facilities” (including gathering lines) are new and existing pipe rights-of-way and any associated equipment, facilities, or buildings.

(Q) Definitions beginning with the letter Q. (Reserved);/].

(R) Definitions beginning with the letter R.

1. [The definition for “regulated substance” in 40 CFR 280.12 is not incorporated in this rule and the definition in section 319.100(14), RSMo, shall be used instead.] “Regulated substance” includes:

A. Any substance defined in Section 101(14) of the federal Comprehensive Environmental Response, Compensation, and Liability Act (P.L. 96-510), as amended, but not including a substance regulated as a hazardous waste under Subtitle C of the federal Resource Conservation and Recovery Act of 1976 (P.L. 94-580), as amended; and

B. Petroleum, including crude oil or any fraction thereof, which is liquid at standard conditions of temperature and pressure, sixty degrees (60°) Fahrenheit and fourteen and seventenths (14 7/10) pounds per square inch absolute, respectively; and

C. Any substance adopted by rule in accordance with federal laws referenced by Section 101(14) of the federal Comprehensive Environmental Response, Compensation, and

Liability Act (P.L. 96-510).

2. [The definition for “release” in 40 CFR 280.12 is not incorporated in this rule and the definition in section 319.100(15), RSMo, shall be used instead.] “Release” includes, but is not limited to, any spilling, leaking, emitting, discharging, escaping, leaching, or disposing from a petroleum storage tank into groundwater, surface water, or subsurface soils.

3. “Release detection” means determining whether a release of a regulated substance has occurred from the UST system into the environment or a leak has occurred into the interstitial space between the UST system and its secondary barrier or secondary containment around it.

4. “Repair” means to restore to proper operating condition a tank, pipe, spill prevention equipment, overfill prevention equipment, corrosion protection equipment, release detection equipment, or other UST system component that has caused a release of product from the UST system or has failed to function properly.

5. “Replaced” or “replacement” means—

A. For a tank - to remove a tank and install another tank;

B. For piping - to remove fifty percent (50%) or more of piping and install other piping, excluding connectors, connected to a single tank or single compartment. For tanks with multiple piping runs, this definition applies independently to each piping run.

6. “Residential tank” is a tank located on property used primarily for dwelling purposes.

[3.]7. “Routinely contains regulated substance” means that a regulated substance regularly passes through the piping, but does not necessarily mean that the piping must continuously hold a regulated substance. Satellite lines, gravity piping, and remote fill lines, including lines from aboveground storage tank(s) to underground storage tank(s), all routinely contain a regulated substance. Vapor lines, including vent lines and vapor recovery lines, are not included;/].

(S) Definitions beginning with the letter S.

1. “SARA” means the Superfund Amendments and Reauthorization Act of 1986.

2. “Secondary containment” or “Secondarily contained” means a release prevention and release detection system for a tank and/or piping. This system has an inner and outer barrier with an interstitial space that is monitored for leaks. This term includes containment sumps when used for interstitial monitoring of piping.

[1.]3. [In lieu of the definition for “septic tank” in 40 CFR 280.12, the definition for] “[s/]Septic tank” [shall be] means any watertight, covered receptacle designed and constructed to receive the discharge of sewage, separate solids from liquid, digest organic matter, store liquids through a period of detention, and allow the clarified liquids to discharge to a soil treatment system;/].

4. “Storm-water or wastewater collection system” means piping, pumps, conduits, and any other equipment necessary to collect and transport the flow of surface water run-off resulting from precipitation, or domestic, commercial or industrial wastewater to and from retention areas or any areas where treatment is designated to occur. The collection of storm water and wastewater does not include treatment except where incidental to conveyance.

5. “Surface impoundment” is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials) that is not an injection well.

(T) Definitions beginning with the letter T.

1. “Tank” is a stationary device designed to contain an accumulation of regulated substances and constructed of non-earthen materials (e.g., concrete, steel, plastic) that provide structural support.

[1.]2. “Triennial” means recurring, done, or performed every

one thousand ninety-five (1,095) days.

[2./3. “Triennially” means at least once every one thousand ninety-five (1,095) days.

(U) Definitions beginning with the letter U.

1. [In the definition of “upgrade” in 40 CFR 280.12 incorporated in this rule, substitute the words “regulated substance” for the word “product.”] “Under-dispenser containment” or “UDC” means a containment sump underneath a dispenser system designed to prevent dispenser system leaks from reaching soil or groundwater.

2. [The definition of “underground storage tank” or “UST” found in 40 CFR 280.12 is not incorporated in this rule, and the definition in section 319.100(16), RSMo, shall be used instead.] “Underground area” means an underground room, such as a basement, cellar, shaft, or vault, providing enough space for physical inspection of the exterior of the tank situated on or above the surface of the floor.

3. “Underground release” means any belowground release.

4. “Underground storage tank” is defined in section 319.100, RSMo and means any one (1) or combination of tanks, including pipes connected thereto, containing regulated product, the volume of which is ten percent (10%) or more beneath the surface of the ground, except as exempted in section 319.100(16), RSMo.

5. “Upgrade” means the addition or retrofit of some systems such as cathodic protection, lining, spill and overfill controls to improve the ability of an underground storage tank system to prevent the release of regulated substance.

6. “UST system” or “Tank system” means an underground storage tank, all connected piping, ancillary equipment, and containment system, if any.

(V) Definitions beginning with the letter V. (Reserved);/.

(W) Definitions beginning with the letter W. [(Reserved);/]

1. “Wastewater treatment tank” means a tank that is designed to receive and treat an influent wastewater through physical, chemical, or biological methods.

(X) Definitions beginning with the letter X. (Reserved);/.

(Y) Definitions beginning with the letter Y. (Reserved);/.

(Z) Definitions beginning with the letter Z. (Reserved).

AUTHORITY: sections 319.100, 319.105, 319.107, 319.111, and 319.114, RSMo 2000, and sections 319.109 and 319.137, RSMo Supp. [2010] 2013. This rule originally filed as 10 CSR 20-10.012. Original rule filed April 2, 1990, effective Sept. 28, 1990. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Aug. 15, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate. The public entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on October 20, 2016, at the Elm Street Conference Center, 1730 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action.

Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on October 27, 2016. be postmarked by midnight on October 27, 2016. Email comments shall be sent to heather.peters@dnr.mo.gov. Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1730 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

Title 10—DEPARTMENT OF NATURAL RESOURCES

Division 26—Petroleum and Hazardous Substance

Storage Tanks

Chapter 2—Underground Storage Tanks—Technical Regulations

PROPOSED RULE

10 CSR 26-2.013 UST Systems with Field-Constructed Tanks and Airport Hydrant Fuel Distribution Systems

PURPOSE: This rule contains the new requirements for the previously deferred field-constructed tanks and airport hydrant fuel distribution systems.

(1) Applicability. This rule applies to owners and operators of field-constructed tanks and airport hydrant fuel distribution systems.

(2) Deadline for compliance. Owners and operators of existing underground storage tank (UST) systems with field-constructed tanks or airport hydrant fuel distribution systems must comply with all of the requirements of 10 CSR 26-2.010 through 10 CSR 26-2.083, the financial responsibility requirements in 10 CSR 26-3, and operator training in 10 CSR 100-6.

(A) Immediately upon installation for any new UST systems installed after July 1, 2017.

(B) By July 1, 2019, for existing systems, except where such requirements are specifically excluded or amended by this rule.

(3) Corrosion protection. UST system components that routinely contain product and are in contact with an electrolyte, including soil, backfill, or water, must meet one (1) of the following:

(A) Performance Standards for New UST Systems, as defined by 10 CSR 26-2.020; or

(B) Be constructed of metal and cathodically protected, with the cathodic protection system complying with 10 CSR 26-2.031. Unprotected metal tanks must pass an integrity test, in accordance with 10 CSR 26-2.021 and 10 CSR 26-2.031, prior to the addition of cathodic protection. Unprotected steel piping cannot be upgraded and must be replaced.

(4) Spill and overfill prevention equipment. UST systems must be upgraded with the installation of spill and overfill prevention, in accordance with 10 CSR 26-2.020 and 10 CSR 26-2.030, except where “delivery” occurs through a dedicated pipeline permanently connected to the UST system(s). For these systems, owners and operators must have an alarm system and/or an approved plan to prevent releases due to overfill.

(5) Walkthrough inspections. In addition to the walkthrough inspections in 10 CSR 26-2.036, owners and operators must inspect the following additional areas for airport hydrant fuel distribution systems at least once every thirty (30) days if confined space entry according to the Occupational Safety and Health Administration under 29 CFR Part 1910 is not required, or at least annually if confined space entry is required, and must keep documentation of these walkthrough inspections in accordance with 10 CSR 26-2.036:

(A) Hydrant pits—visually check for any damage, remove any liquid or debris, and check for any leaks; and

(B) Hydrant piping vaults—check for any hydrant piping leaks.

(6) Applicability of closure requirements to previously closed UST systems. The department may require that the owner and operator of a UST system with a field-constructed tank system or an airport hydrant fuel distribution system permanently closed before April 30, 2017, assess the excavation zone and close the UST system in accordance with 10 CSR 26-2.060 through 10 CSR 26-2.064 if releases from the UST system, in the judgment of the department, pose a current or potential threat to human health and the environment.

(7) Release detection. Owners and operators of existing UST systems must comply with the release detection requirements mandated in 10 CSR 26-2.040 through 10 CSR 26-2.048 no later than July 1, 2020.

AUTHORITY: sections 319.100, 319.103, 319.105, 319.107, 319.111, 319.114, 319.117, 319.120, and 319.123, RSMo 2000, and sections 319.109 and 319.137, RSMo Supp. 2013. Original rule filed Aug. 15, 2016.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate. The public entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on October 20, 2016, at the Elm Street Conference Center, 1730 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on October 27, 2016. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on October 27, 2016. Email comments shall be sent to heather.peters@dnr.mo.gov. Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1730 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 26—Petroleum and Hazardous Substance
Storage Tanks
Chapter 2—Underground Storage Tanks—Technical Regulations

PROPOSED AMENDMENT

10 CSR 26-2.019 New Installation Requirements. The commission is amending sections (1), (4), (6) through (11) and adding new sections (6), (9), and (10) and renumbering the sections accordingly.

PURPOSE: There are two (2) primary purposes for this rulemaking. The first is to open UST rules in Title 10, Division 26 of the *Code of State Regulations* to make the necessary changes required by the U.S. Environmental Protection Agency (EPA). The 2005 Energy Policy Act required either financial responsibility for UST installers and manufacturers or secondary containment for all new systems. In addition, last October, EPA adopted changes to the federal UST reg-

ulations that need to be incorporated into state regulation. This rule-making will make the necessary changes to comply with these EPA grant requirements and to incorporate the changes made to the federal regulations.

The second reason is to incorporate state-specific changes. The proposed changes would better ensure that old tanks are still functional enough to remain in use. The changes would better prevent and detect leaks, establish clearer and more detailed new system installation requirements, outline the requirements for new USTs at marinas, and incorporate new technologies. The department will also take this opportunity to clarify ambiguous or confusing language and update industry standard referenced in the regulations.

(1) Any installer who intends to install an underground storage tank (UST) or piping associated with a UST system for storage of a regulated substance must, at least [thirty (30)] **fourteen (14)** days before installing the tank or before piping replacement, notify the department by [letter or] approved form transmitted via email of intent to install a UST, except that this [thirty (30)] **fourteen (14)** day notice requirement may be waived by the department when a release is suspected or in other similarly urgent circumstances. The notification must provide the tank owner's name, installer name, the name and location of the facility where the UST or piping will be installed, the date that the installation is expected to commence, the date that the tank is expected to be brought in-/ use, UST system information, including tank material, size, manufacturer, piping material, piping type, and manufacturer, release detection equipment, and spill and overfill equipment. The installation notice is valid for one hundred eighty (180) days from receipt by the department and only for the UST system(s) listed on the notice. If installation does not commence within one hundred eighty (180) days of the date on which the department received the notice, a new installation notice must be submitted prior to commencing installation activities.

(4) Prior to installation of an [UST] **underground tank and/or UST system piping** intended to be used for storage of a regulated substance, the tank and/or [associated] piping must be tested, inspected, and measured in accordance with the manufacturer's requirements and in accordance with the pre-installation inspection, testing, and/or backfilling sections of either—

(6) When a new UST system is installed at a marina, the installer must comply with the Petroleum Equipment Institute's *Recommended Practice 1000-2014, Recommended Practices for the Installation of Marina Fueling Systems*, 2014 Edition or an alternative procedure approved by the department. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the Petroleum Equipment Institute, Box 2380, Tulsa, OK 74101-2380, (918) 494-9696, www.pei.org.

[(6)](7) Should one (1) or more of a manufacturer's requirements contradict the recommended industry practice(s), the manufacturer's requirements shall be followed. Backfill materials must meet tank and piping manufacturers' specifications.

[(7)](8) The tank and piping system must pass a **one-tenth (0.1)** gallon/hour system tightness test before the system is brought in-operation. **The tank tightness test must be—**

(A) A tank tightness test method listed and conducted in accordance with the National Work Group on Leak Detection Evaluations certificate. To obtain a copy, download the appropriate certificate from www.nwglde.org; or

(B) A one-tenth (0.1) gallon/hour third party certified test conducted using the automatic tank gauge with the tank at least ninety-five percent (95%) full.

(9) For tank system installations on or after July 1, 2017, before

the UST system is brought in-operation—

(A) Spill and overflow prevention equipment must be tested in accordance with 10 CSR 26-2.030;

(B) Secondary containment sumps must be tested in accordance with 10 CSR 26-2.035; and

(C) All release detection equipment must be operability tested in accordance with 10 CSR 26-2.040 and 10 CSR 26-2.048.

(10) All new tanks must be tied down. Tie-down straps must meet the manufacturer's design specifications and be installed in locations and at a frequency prescribed by the manufacturer.

[(8)](11) Until the installation is complete and the system is released by the installer to the owner/operator, the tank shall be monitored for leaks daily by using either—

(A) An approved release detection method, in accordance with 10 CSR 26-2.043; or

(B) Daily Inventory Liquid Measurements. Upon completion of initial post-installation tightness testing, daily measurements are based on the average of two (2) consecutive stick readings. A variation of no greater than twenty-six (26) gallons per week is allowed. Any suspected release, alarm, or inconclusive or failure result from these release detection methods must be reported and investigated in accordance with 10 CSR 26-2.050.

[(9)](12) Upon the department's discovery of an installation that is not in compliance with the requirements of this rule, the department's authorized representative may require that the installation remain open and uncovered, or that no additional UST system work be conducted, until—

(A) The manufacturer approves the installation that deviates from their written guidelines, specifications, and instructions;

(B) The owner approves the installation; and

(C) The department approves the installation.

[(10)](13) Any equipment repairs necessary during the installation must be manufacturer certified or approved, with supporting written documentation from the manufacturer.

[(11)](14) Certification of Installation. All installers must ensure that one (1) or more of the following methods of certification, testing, or inspection is used to demonstrate compliance with this rule by providing a certification of compliance:

(A) The installation has been inspected and approved by the department;

(B) All work listed in the manufacturer's installation checklists has been completed and submitted to the department; or

(C) The installer has complied with another method for ensuring compliance with this rule that is *[determined]* **pre-approved** by the department to be no less protective of human health and the environment.

AUTHORITY: sections 319.105, RSMo 2000. Original rule filed April 15, 2011, effective Dec. 30, 2011. Amended: Filed Aug. 15, 2016.

PUBLIC COST: The state changes in this rule are estimated to cost affected state agencies and political subdivisions six hundred seven dollars and fifty cents (\$607.50) annually to comply with the new requirements of this rule. A detailed fiscal note has been filed with the secretary of state. The public entity fiscal cost impacts for compliance with the federal standards that are being incorporated into this rule are accounted for in the federal rulemakings.

PRIVATE COST: The state changes in this rule are expected to cost private entities twenty-nine thousand seven hundred sixty-seven dollars and fifty cents (\$29,767.50) annually to comply with the new state requirements of this rule. A detailed fiscal note has been filed with the secretary of state. The private entity fiscal cost impacts for

compliance with the federal standards that are being incorporated into this rule are accounted for in the federal rulemakings.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on October 20, 2016, at the Elm Street Conference Center, 1730 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on October 27, 2016. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on October 27, 2016. Email comments shall be sent to heather.peters@dnr.mo.gov. Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1730 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

FISCAL NOTE

PUBLIC COST

I. RULE NUMBER

Rule Number and Name: 10 CSR 26-2.019 Applicability
Type of Rulemaking: Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Federal, State, County, City owned or affiliated underground storage tank owners	<p>Fewer than 15 new piping installations each year with a combined annual total less than \$375</p> <p>And</p> <p>Anticipate less than 15 tanks each year that will need to be tied down that would not have otherwise been tied down \$2,000 per tank for a total of \$30,000 annually</p> <hr/> <p>Combined annual rule total less than \$30,375 x 2% publically owned = \$607.50 annually</p>
Missouri Department of Natural Resources	\$0

III. Worksheet

See calculations in Section IV below.

IV. Assumptions

The Department is proposing to require installation notifications for piping installations. Currently the regulation requires notification for new tank system installations only. When discussed during stakeholder meetings, most stakeholders thought that this was already required or felt most situations in which piping is currently being replaced are situations in which the Department is already aware of the replacement (piping failures, leaks, other piping issues). The Department already receives 'courtesy notifications' on piping replacements. Installation problems are one of the top 2 causes of new leaks in Missouri. As such, oversight of

installations is a significant way to prevent environmental contamination. Once the piping is installed, it is buried underground, making finding problems and potential leaks practically impossible. Identifying potential problems at installation is one of the most effective ways to prevent future releases. The cost to notify the Department is minimal: 15 minutes to complete the form and email it to the Department. The information included is readily available. The requirements after the notification remain the same. As such, the cost for each notification for each piping install, of which there are fewer than 15 each year, is less than \$25, with a combined annual total of less than \$375.

Another proposed change is to require new marinas to comply with the Petroleum Equipment Institute's Recommended Practice 1000-2009, Recommended Practices for the Installation of Marina Fueling Systems. These tanks are in environmentally sensitive areas, where a leak would impact water ecosystems almost immediately. In addition, these systems are uniquely configured, with the tanks typically above the dispensers, which could allow the tank to be siphoned by the dispensers. These configurations can lead to significant leaks in environmentally sensitive areas. The Department has been recommending the use of this guidance document since its publication in 2009. The Missouri Department of Agriculture has been requiring compliance with almost all, if not all of its significant pieces as well. The Department is not aware of any marina UST installations that have not complied with this guidance document in the last four years. As such, we do not believe that compliance with this proposed change has a new cost associated with it, but do believe it will ensure clear requirements and environmental protection in the future.

The Department is also adding an option for post-installation tightness testing. Currently the regulations only provide one option for testing the tank after installation, a tank tightness test. The proposed regulation will add a second option, testing the tank using the automatic tank gauge with the tank 95% full. As this is a new, second option, it does not add a cost, but instead lowers the cost by creating a new, potentially less costly option for compliance.

The final proposed change in this regulation is to require all new tanks be tied down. In the last three years, we have typically seen less than 10% of the tanks that are not tied down at install. With an average of 155 new tanks installed each year, that means that typically 15 tanks are not tied down. These tanks can float, leak product, cause damage to the site, hinder property sales, cause safety issues, and be a general nuisance. Based on information from installation contractors, the cost of a contractor- manufactured tie-down system is approximately \$2,000. Please note, though, that the costs to address tanks that float are much higher than \$2,000 per tank. They must be removed and leaks addressed. In addition, a tank that has floated can pose a significant safety hazard: it juts out of the ground; they can be difficult to see; they may cause vehicular damage; there are often open holes associated with them.

Of the 386 tanks installed since January 1, 2014, 9 of them (or approximately 2%) were publically/government owned. The remaining 98% were privately owned. For the purposes of this fiscal note, we will use these percentages for the calculations of public and private shares of the costs to the underground storage tank owners.

Cost of proposed amendments to rule 10 CSR 20-10.010 to the Department of Natural Resources

The Department of Natural Resources' Hazardous Waste Program already tracks these facilities and inspects their entire tank system, including monitoring systems. As such, there would be no additional cost to the department.

FISCAL NOTE

PRIVATE COST

I. RULE NUMBER

Rule Number and Name
10 CSR 26-2.019 Applicability
Type of Rulemaking
Amendment

II. SUMMARY OF FISCAL IMPACT

Classification by types of the business entities which would likely be affected:	Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Owners of emergency generator tanks <ul style="list-style-type: none"> • Hospitals • Nursing or Health Care facilities • Communication facilities and structures (e.g. cellular phone companies) • Banks • Food storage facilities • Data storage facilities • Other owners and operators of underground storage tank systems 	Fewer than 15 new piping installations each year Anticipate less than 15 tanks each year that will need to be tied down that would not have otherwise been tied down	Combined annual total less than \$375 \$2,000 per tank for a total of \$30,000 annually <hr/> Combined annual rule total less than \$30,375 x 98% privately owned – \$29,767.50 annually

III. Worksheet

See calculations in Section IV below.

Fiscal Note for Proposed Rule 10 CSR 26-2.076
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IV. Assumptions

The Department is proposing to require installation notifications for piping installations. Currently the regulation requires notification for new tank system installations only. When discussed during stakeholder meetings, most stakeholders thought that this was already required or felt most situations in which piping is currently being replaced are situations in which the Department is already aware of the replacement (piping failures, leaks, other piping issues). The Department already receives ‘courtesy notifications’ on piping replacements. Installation problems are one of the top 2 causes of new leaks in Missouri. As such, oversight of installations is a significant way to prevent environmental contamination. Once the piping is installed, it is buried underground, making finding problems and potential leaks practically impossible. Identifying potential problems at installation is one of the most effective ways to prevent future releases. The cost to notify the Department is minimal: 15 minutes to complete the form and email it to the Department. The information included is readily available. The requirements after the notification remain the same. As such, the cost for each notification for each piping install, of which there are fewer than 15 each year, is less than \$25, with a combined annual total of less than \$375.

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Fiscal Note for Proposed Rule 10 CSR 26-2.076
Page 3 of 3

to the site, hinder property sales, cause safety issues, and be a general nuisance. Based on information from installation contractors, the cost of a contractor- manufactured tie-down system is approximately \$2,000. Please note, though, that the costs to address tanks that float are much higher than \$2,000 per tank. They must be removed and leaks addressed. In addition, a tank that has floated can pose a significant safety hazard: it juts out of the ground; they can be difficult to see; they may cause vehicular damage; there are often open holes associated with them.

Of the 386 tanks installed since January 1, 2014, 9 of them (or approximately 2%) were publically/government owned. The remaining 98% were privately owned. For the purposes of this fiscal note, we will use these percentages for the calculations of public and privates shares of the costs to the underground storage tank owners.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 26—Petroleum and Hazardous Substance
Storage Tanks
Chapter 2—Underground Storage Tanks—Technical
Regulations

PROPOSED AMENDMENT

10 CSR 26-2.020 Performance Standards for New Underground Storage Tank Systems. The commission is proposing to amend section (1) of this rule.

PURPOSE: There are two (2) primary purposes for this rulemaking. The first is to open UST rules in Title 10, Division 26 of the *Code of State Regulations* to make the necessary changes required by the U.S. Environmental Protection Agency (EPA). The 2005 Energy Policy Act required either financial responsibility for UST installers and manufacturers or secondary containment for all new systems. In addition, last October, EPA adopted changes to the federal UST regulations that need to be incorporated into state regulation. This rulemaking will make the necessary changes to comply with these EPA grant requirements and to incorporate the changes made to the federal regulations.

The second reason is to incorporate state-specific changes. The proposed changes would better ensure that old tanks are still functional enough to remain in use. The changes would better prevent and detect leaks, establish clearer and more detailed new system requirements, and incorporate new technologies. The department will also take this opportunity to clarify ambiguous or confusing language and update industry standard referenced in the regulations.

(1) In order to prevent releases due to structural failure, corrosion, or spills and overfills for as long as the underground storage tank (UST) system is used to store regulated substances, all owners and operators of new UST systems must meet the following requirements:

(A) Tanks. Each tank must be properly designed and constructed, and any portion underground that routinely contains a regulated substance must be protected from corrosion, in accordance with a code of practice developed by a nationally-recognized association or independent testing laboratory as *[follows:] specified in paragraphs 1. through 5. of this subsection. In addition, all new or replaced tanks where installation began on or after July 1, 2017, must be double-walled in accordance with paragraph 5. of this subsection—*

1. The tank is constructed of fiberglass-reinforced plastic and complies with—

A. Underwriters' Laboratories Standard 1316, *Standard for Glass-Fiber-Reinforced Plastic Underground Storage Tanks for Petroleum Products, Alcohol and Alcohol-Gasoline Mixtures*, revised 2006. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the Underwriters' Laboratories, 333 Pfingsten Road, Northbrook, IL 60062-2096, (847) 272-8800, www.ul.com; or

B. Other standards or publications approved by the department; or

2. The tank is constructed of steel and cathodically protected in the following manner:

A. The tank is coated with a suitable dielectric material;

B. Field-installed cathodic protection systems are designed by a corrosion expert;

C. Impressed current systems are designed to allow determination of current operating status as required in 10 CSR 26-2.031(1)(C);

D. Cathodic protection systems are operated and maintained in accordance with 10 CSR 26-2.031 or according to guidelines established by the department; and

E. The following codes and standards may be used to comply

with paragraph (1)(A)2. of this rule:

(I) Steel Tank Institute *Specification for STI-P3 System of External Corrosion Protection of Underground Steel Storage Tanks*, revised 2010. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the Steel Tank Institute, 944 Donata Court, Lake Zurich, IL 60047, (708) 438-8265, www.steeltank.com;

(II) Steel Tank Institute Standard F841, *Standard for Dual Wall Underground Steel Storage Tanks*, revised 2006. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the Steel Tank Institute, 944 Donata Court, Lake Zurich, IL 60047, (708) 438-8265, www.steeltank.com;

[(III)](III) Underwriters' Laboratories Standard 1746, *Standard for External Corrosion Protection Systems for Steel Underground Storage Tanks*, revised 2007. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the Underwriters' Laboratories, 333 Pfingsten Road, Northbrook, IL 60062-2096, (847) 272-8800, www.ul.com;

[(III)](IV) NACE International RP 0285-2002, *Corrosion Control of Underground Storage Tank Systems by Cathodic Protection*, revised 2002. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact NACE International, Box 218340, Houston, TX 77218-8340, (713) 492-0535, www.nace.org;

[(IV)](V) Underwriters' Laboratories Standard 58, *Standard for Steel Underground Tanks for Flammable and Combustible Liquids*, revised 1998. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the Underwriters' Laboratories, 333 Pfingsten Road, Northbrook, IL 60062-2096, (847) 272-8800, www.ul.com; or

3. The tank is a composite tank with a steel inner tank and a non-metallic external thick film coating or the tank is a steel inner tank constructed with a non-metallic external jacket forming a secondary wall. Either of these tanks shall comply with one (1) of the following industry codes:

A. Underwriters' Laboratories Standard 1746, *Standard for External Corrosion Protection Systems for Steel Underground Storage Tanks*, revised 2007. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the Underwriters' Laboratories, 333 Pfingsten Road, Northbrook, IL 60062-2096, (847) 272-8800, www.ul.com;

B. Steel Tank Institute's ACT-100, *Specification for External Corrosion Protection of FRP Composite Steel USTs (F894)*, revised June 2010. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the Steel Tank Institute, 944 Donata Court, Lake Zurich, IL 60047, (708) 438-8265, www.steeltank.com;

C. Underwriters' Laboratories Standard 58, *Standard for Safety for Steel Underground Storage Tanks for Flammable and Combustible Liquids*, revised 1998. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the Underwriters' Laboratories, 333 Pfingsten Road, Northbrook, IL 60062-2096, (847) 272-8800, www.ul.com; *[or]*

D. Steel Tank Institute's ACT-100-U, *Specification for External Corrosion Protection of Composite Steel Underground Storage Tanks*, F961, June 2010. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the Steel Tank Institute, 944 Donata Court, Lake Zurich, IL 60047, (708) 438-8265, www.steeltank.com; or

E. Steel Tank Institute's Specification F922, *Steel Tank Institute Specification for Permatank*, revised 2013. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the Steel Tank Institute, 944 Donata Court, Lake Zurich, IL 60047, (708) 438-8265, www.steeltank.com; or

[4. The tank is constructed of metal without additional corrosion protection measures provided that—

A. The tank is installed at a site that is determined by a corrosion expert to not be corrosive enough to cause it to have a release due to corrosion during its operating life; and

B. Owners and operators maintain records that demonstrate compliance with the requirements of subparagraph (1)(B)4.A. of this rule for the remaining life of the tank; or;

[5.]4. The tank construction and corrosion protection are determined by the department to be designed to prevent the release or threatened release of any stored regulated substance in a manner that is no less protective of human health and the environment than paragraphs (1)(A)1.–[4]3. of this rule;

5. Tanks installed on or after July 1, 2017, must be double-walled. A double-walled tank is a tank within a tank, where the outer walls and inner walls are separated, the inner tank is contained within the outer tank to a minimum of ninety-five percent (95%) containment and has an interstitial space capable of being monitored;

(B) Piping. The piping that routinely contains regulated substances and is in contact with an electrolyte, including but not limited to, soil, backfill, and/or water, must be properly designed, constructed, and protected from corrosion [in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory as follows:] as specified in paragraphs 1. through 4. of this subsection. In addition, all new piping systems where installation began on or after July 1, 2017, must be double-walled in accordance with paragraph 5. of this subsection. If more than fifty percent (50%) of any tank system's piping is replaced within any twelve (12) month period, the entire piping run must be double-walled in accordance with paragraph 5.

1. The piping is constructed of [fiberglass reinforced plastic] an approved, non-corrodible material[.];

2. The following codes and standards may be used to comply with paragraph (1)(B)1. of this rule:

A. Underwriters' Laboratories Standard 971, *UL Listed Nonmetallic Underground Piping for Flammable Liquids*, revised 2006. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the Underwriters' Laboratories, 333 Pfingsten Road, Northbrook, IL 60062-2096, (847) 272-8800, www.ul.com; and

B. Underwriters' Laboratories Standard 567, *Emergency Breakaway Fittings, Swivel Connectors and Pipe Connection Fittings for Petroleum Products and LP-Gas*, revised 2003. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the Underwriters' Laboratories, 333 Pfingsten Road, Northbrook, IL 60062-2096, (847) 272-8800, www.ul.com[/];

3. After July 1, 2017, metal piping may not be installed unless it is completely enclosed within a containment sump, except existing flexible connectors may be replaced without a containment sump if the new flexible connector is protected from corrosion by isolating it from the backfill using a manufacturer-approved isolation boot or protecting the connector from corrosion in accordance with this paragraph. For existing piping, [T]he piping is constructed of steel and cathodically protected in the following manner:

A. The piping is coated with a suitable dielectric material;

B. Field-installed cathodic protection systems are designed by a corrosion expert;

C. Impressed current systems are designed to allow determination of current operating status as required in 10 CSR 26-2.031(1)(C);

D. Cathodic protection systems are operated, inspected, and maintained in accordance with 10 CSR 26-2.031; and

E. The [following] codes and standards in 10 CSR 26-2.031(2) may be used to comply with paragraph (1)(B)3. of this

rule[.];

[(I)] National Fire Association Standard 30, *Flammable and Combustible Liquids Code*, revised 2008. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the National Fire Protection Association, 1 Batterymarch Park, Box 9101, Quincy, MA 02269-9101, (617) 770-3000, www.nfpa.org;

[(II)] American Petroleum Institute's Recommended Practice 1615, *Installation of Underground Petroleum Storage Systems*, fifth edition, 2011. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the American Petroleum Institute, 1220 L Street NW, Washington, DC 20005, (202) 682-8000, www.api.org/standards/;

[(III)] American Petroleum Institute Publication 1632, *Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems*, revised 2002. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the American Petroleum Institute, 1220 L Street NW, Washington, DC 20005, (202) 682-8000, www.api.org/standards/;

[(IV)] NACE International SP-0169-2007, *Control of External Corrosion on Submerged Metallic Piping Systems*, revised 2007. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact NACE International, Box 218340, Houston, TX 77218-8340, (713) 492-0535, www.nace.org; and

[(V)] Steel Tank Institute's Recommended Practice for Corrosion Protection of Underground Piping Networks Associated with Liquid Storage and Dispensing Systems (R892), revised 2006. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the Steel Tank Institute, 944 Donata Court, Lake Zurich, IL 60047, (708) 438-8265, www.steel-tank.com;

4. The piping is constructed of metal without additional corrosion protection measures provided that—

A. The piping is installed at a site that is determined by a corrosion expert not to be corrosive enough to cause it to have a release due to corrosion during its operating life; and

B. Owners and operators maintain records that demonstrate compliance with the requirements of subparagraph (1)(A)4.A. of this rule for the remaining life of the tank;

5. The following codes may be used to comply with paragraph (1)(B)4. of this rule:

A. National Fire Protection Association Standard 30, *Flammable and Combustible Liquids Code*, revised 2008. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the National Fire Protection Association, 1 Batterymarch Park, Box 9101, Quincy, MA 02269-9101, (617) 770-3000; www.nfpa.org; and

B. NACE International SP-0169-2007, *Control of External Corrosion on Submerged Metallic Piping Systems*, revised 2007. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact NACE International, Box 218340, Houston, TX 77218-8340, (713) 492-0535, www.nace.org; or]

[6.]4. The piping construction and corrosion protection are determined by the department to be designed to prevent the release or threatened release of any stored regulated substance in a manner that is no less protective of human health and the environment than the requirements in paragraphs (1)(B)1.–[5.]3. of this rule[.];

5. After July 1, 2017, new or replaced piping must be double-walled piping, except for any single wall fittings or ends,

which must be open to a leak-tight containment sump(s), except for safe suction piping that meets the requirements of 10 CSR 26-2.041(1)(B)2.A. through E.;

(C) Spill and Overfill Prevention Equipment.

1. Except as provided in paragraph (1)(C)2. of this rule, to prevent spilling and overfilling associated with product transfer to the UST system, owners and operators must use the following spill and overfill prevention equipment:

A. Spill prevention equipment that will prevent release of product to the environment when the transfer hose is detached from the fill pipe (for example, a spill catchment basin). All delivery hose-fill pipe connections must be tight, lock-on connections; and

B. Overfill prevention equipment that will—

(I) Automatically shut off flow into the tank when the tank is no more than ninety-five percent (95%) full;

(II) Alert the transfer operator with a high-level alarm at least one (1) minute before overfilling with an alarm audible in the delivery area; or

(III) Alert the transfer operator when the tank is no more than ninety percent (90%) full by restricting flow into the tank.

(a) Ball float valves may only be used in tank systems with gravity deliveries, in suction systems if there are no check valves, except those contained within a building, and the tank system is tight so that it does not allow vapors to be released during a delivery after the ball float valve has closed.

(b) Ball float valves are not approved for use as overfill prevention equipment in new tank systems installed after December 31, 2011. *[Ball float valves may still be used in systems equipped with manifolded vent lines and vapor recovery equipment if the ball valve is installed no lower than ninety-eight percent (98%) full and the functioning overfill equipment is installed no higher than ninety-five percent (95%) full.]*

(c) When an overfill prevention device is replaced after July 1, 2017, a ball float valve may not be used.

(IV) For pressurized deliveries, overfill prevention equipment must be compatible and approved for use with pressurized deliveries/.

C. All spill and overfill prevention equipment must be installed, inspected, maintained, and replaced in accordance with 10 CSR 26-2.030.

2. Owners and operators are not required to use the spill and overfill prevention equipment specified in paragraph (1)(C)1. of this rule if—

A. Alternative equipment is used that is determined by the department to be no less protective of human health and the environment than the equipment specified in subparagraph (1)(C)1.A. or B. of this rule; or

B. The owner or operator submits a written explanation that the equipment cannot be used for the UST system and their detailed fuel-delivery plan, documenting that their delivery procedures prevent spills and overfills; or

C. The UST system is filled by transfers of no more than twenty-five (25) gallons at one (1) time/.

(D) *[All new tank systems installed after December 31, 2011, must be installed with containment sumps at each tank top suction piping or submersible turbine pump connection, each piping transition/ball valve location, and under each dispenser. The containment sumps must be designed to contain any leak from the primary UST piping system; and] For new or replaced tanks or piping systems installed after July 1, 2017, containment sumps must be installed at each tank top suction piping or submersible turbine pump connection, each piping transition, ball valve, or single-walled fitting location, and under each dispenser. The containment sump must be liquid-tight on its sides, bottom, and at any penetrations, with interstitial monitoring in accordance with 10 CSR 26-2.043(1)(H) and sump testing in accordance with 10 CSR 26-2.035;*

(E) Dispenser Systems. Any new dispenser system installed after July 1, 2017, must have a containment sump beneath it.

1. A dispenser system is considered new when both the dispenser and the equipment needed to connect the dispenser to the underground storage tank system are installed or replaced at a UST facility. The equipment necessary to connect the dispenser to the UST system includes check valves, shear valves, unburied risers and flexible connectors, and other transitional components that are underneath the dispenser and connect the dispenser to the underground UST system piping.

2. Under-dispenser containment must be liquid-tight on its sides, bottom, and at any penetrations and must allow for visual inspection and access to the components in the containment sump and be tested or monitored for leaks from the dispenser system in accordance with 10 CSR 26-2.035;

~~[(E)]~~(F) Installation. All tanks and piping must be properly installed in accordance with a code of practice developed by a nationally-recognized association or independent testing laboratory, in accordance with all manufacturers' instructions, and in accordance with 10 CSR 26-2.019. Tank and piping system installation practices and procedures described in the following codes of practice may be used to comply with the requirements of this rule:

1. American Petroleum Institute Publication 1615, *Installation of Underground Petroleum Storage System*, revised 2011. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the American Petroleum Institute, 1220 L Street NW, Washington, DC 20005, (202) 682-8000, www.api.org/standards/; or

2. Petroleum Equipment Institute Publication RP100, *Recommended Practices for Installation of Underground Liquid Storage Systems*, revised 2011. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the Petroleum Equipment Institute, Box 2380, Tulsa, OK 74101-2380, (918) 494-9696, www.pei.org.

AUTHORITY: sections 319.105 and 319.107, RSMo 2000, and section 319.137, RSMo Supp. [2010] 2013. This rule originally filed as 10 CSR 20-10.020. Original rule filed April 2, 1990, effective Sept. 28, 1990. Moved and amended: Filed April 15, 2011, effective Dec. 30, 2011. Amended: Filed Aug. 15, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate. The public entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rule-makings.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rule-makings.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on October 20, 2016, at the Elm Street Conference Center, 1730 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.*

Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on October 27, 2016. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on October 27, 2016. Email comments shall be sent to heather.peters@dnr.mo.gov.

Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1730 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 26—Petroleum and Hazardous Substance
Storage Tanks
Chapter 2—Underground Storage Tanks—Technical
Regulations

PROPOSED AMENDMENT

10 CSR 26-2.021 [Upgrading of Existing] Upgraded Underground Storage Tank Systems. The commission is proposing to change the title and amend the purpose statement of this rule, as well as sections (3) through (6) and also adding a new section (6) and renumbering the other sections accordingly.

PURPOSE: There are two (2) primary purposes for this rulemaking. The first is to open UST rules in Title 10, Division 26 of the Code of State Regulations to make the necessary changes required by the U.S. Environmental Protection Agency (EPA). The 2005 Energy Policy Act required either financial responsibility for UST installers and manufacturers or secondary containment for all new systems. In addition, last October, EPA adopted changes to the federal UST regulations that need to be incorporated into state regulation. This rulemaking will make the necessary changes to comply with these EPA grant requirements and to incorporate the changes made to the federal regulations.

The second reason is to incorporate state-specific changes. The proposed changes would better ensure that old tanks are still functional enough to remain in use. The changes would better prevent and detect leaks and incorporate new technologies. The department will also take this opportunity to clarify ambiguous or confusing language and update industry standard referenced in the regulations.

PURPOSE: [This rule contains the options for upgrading existing underground storage tanks for continued operation after December 22, 1998.] This rule contains requirements for UST systems that were in use on December 22, 1998, and were upgraded with release prevention equipment.

(3) Tank Upgrading Requirements. Tanks must be upgraded to meet one (1) of the following requirements in accordance with a code of practice developed by a nationally-recognized association or independent testing laboratory:

[(A) Interior lining. A tank may be upgraded by internal lining if—

1. The lining is installed in accordance with the requirements of 10 CSR 25-2.033 and the following:

A. Lining manufacturer installation requirements; and

B. An approved national code or standard, including those listed in section (6) of this rule; and either

C. For steel tanks, structural integrity determinations are required and must include actual steel tank thickness readings. Approved integrity test methods are included in section (6) of this rule; or

D. For fiberglass-reinforced plastic tanks, all linings must be approved by the tank manufacturer and installed in accordance with the tank manufacturer's requirements.

2. Within ten (10) years after the initial lining, and every five (5) years after that, whether relined or not, the lined tank is internally inspected and found to be structurally sound with the lining still performing in accordance with original design specifications; and

3. A tank may only be relined and/or the lining may only be repaired—

A. If the fiberglass-reinforced plastic tank meets all tank manufacturer standards for repair or relining of the tank; or

B. If the steel tank passes an integrity test, including actual steel shell thickness readings. Approved integrity test methods are included in section (6) of this rule;]

(A) Interior lining or Tank Retrofit. A tank may be upgraded by internal lining or retrofit if—

1. The lining is installed in accordance with the requirements of 10 CSR 26-2.033 and the lining or retrofit meets the following additional requirements:

A. All linings installed or repaired on or after January 1, 2020, must meet the design specifications of Underwriters Laboratories (UL) 1856 Outline of Investigation for Underground Fuel Tank Internal Retrofit Systems requirements;

B. Inspections and repairs must be conducted by a technician who is properly certified by NACE International or International Code Council (ICC);

C. The lining or retrofit is installed according to manufacturer installation requirements;

D. An approved national code or standard, including those listed in section (7) of this rule, is followed;

E. For fiberglass-reinforced plastic tanks, all linings must be approved by the tank manufacturer and installed in accordance with the tank manufacturer's requirements. If the tank manufacturer is no longer available or willing to repair the tank, the tank may be lined in accordance with—

(I) The manufacturer's requirements, or

(II) The Fiberglass Tank & Piping Institute T-95-1. Remanufacturing of Fiberglass Reinforced Plastic (FRP) Underground Storage Tanks, Revised 1995. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the Fiberglass Tank and Piping Institute, <http://www.fiberglassstankandpipe.com>; and

(III) By a technician who is properly certified by NACE International, International Code Council (ICC), or the American Composites Manufacturers Association;

F. All linings must be installed, inspected, repaired, and maintained in accordance with one (1) of the following:

(I) For UL 1856 Lining systems, single-walled, co-structural systems and linings installed prior to January 1, 2020:

(a) A lining may only be repaired if the steel tank passes an integrity test, including actual steel shell thickness readings. Approved integrity test methods are included in section (7) of this rule;

(b) A replacement lining may only be installed if the new lining meets the UL 1856 specifications and the steel tank passes an integrity test, including actual steel shell thickness readings. Approved integrity test methods are included in section (7) of this rule;

(c) The lining must be internally inspected at least every five (5) years and found to be structurally sound with the lining still performing in accordance with the original design specifications;

(II) For UL 1856 Upgrade systems, double-walled, co-structural systems:

(a) A lining may only be installed or repaired if the steel tank passes an integrity test, including actual steel shell thickness readings. Approved integrity test methods are included in section (7) of this rule; and

(b) The lining must be internally inspected at least every five (5) years and found to be structurally sound with the lining still performing in accordance with the original design specifications; or

(c) The interstitial lining space is electronically monitored, with passing sensor status reports for the most recent twelve (12) months, in accordance with 10 CSR 26-2.043 subsection (1)(H);

(III) For UL 1856 Structural systems, double-walled, self-structural systems—

(a) The lining must be internally inspected at least every five (5) years and found to be structurally sound with the lining still performing in accordance with the original design specifications; or

(b) The interstitial lining space is electronically monitored, with passing sensor status reports for the most recent twelve (12) months, in accordance with 10 CSR 26-2.043 subsection (1)(H);

G. All interior lining inspection reports must include photographs of the tank bottom, a representative tank side wall and a representative tank end, and documentation of the interior lining hardness and thickness readings, in accordance with the evaluation guidance document used;

(B) Cathodic Protection. A tank may be upgraded by cathodic protection if the cathodic protection system meets the requirements of the performance standards for new UST systems in 10 CSR 26-2.020(1)(A)2.B.-D. and the integrity of the tank is ensured using one (1) of the following methods:

1. The tank is internally inspected and assessed to ensure that the tank is structurally sound and free of corrosion holes prior to installing the cathodic protection system. Structural integrity evaluations must include steel shell thickness readings and confirmation that the steel shell does not have any holes or perforations. Approved integrity test methods are included in section *[(6)] (7)* of this rule;

2. The tank has been installed for less than ten (10) years and is monitored monthly for releases in accordance with release detection methods in 10 CSR 26-2.043(1)(E)-(I);

3. The tank has been installed for less than ten (10) years and is assessed for corrosion holes by conducting two (2) tightness tests that meet the requirement of release detection method in 10 CSR 26-2.043(1)(D). The first tightness test must be conducted prior to installing the cathodic protection system. The second tightness test must be conducted between three and six (3-6) months following the first operation of the cathodic protection system; or

4. The tank is assessed for corrosion holes by a method that is determined by the department to prevent releases in a manner that is no less protective of human health and the environment than paragraphs (3)(B)1.-3. of this rule; and

(4) Piping Upgrading Requirements. Metal piping that routinely contains regulated substances and is in contact with an electrolyte, including but not limited to, soil, backfill, and/or water, must be cathodically protected *[in accordance with a code of practice developed by a nationally-recognized association or independent testing laboratory]* and must meet the requirements of 10 CSR 26-2.020(1)(B)3.B.-[D.]/E.

(5) Spill and Overfill Prevention Equipment. To prevent spilling and overfilling associated with product transfer to the UST system, all existing UST systems must comply with new UST system spill and overfill prevention equipment requirements specified in 10 CSR 26-2.020(1)(C) and 10 CSR 26-2.030.

(6) Dispenser Systems. Any new dispenser installed after July 1, 2017, must have a containment sump beneath it, in accordance with 10 CSR 26-2.020(1)(E).

[(6)](7) The following codes and standards may be used to comply with this rule:

(A) American Petroleum Institute Standard 1631, *Interior Lining and Periodic Inspection of Underground Storage Tanks*, revised 2001. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the American Petroleum Institute, 1220 L Street NW, Washington, DC 20005, (202) 682-8000, www.api.org/standards/;

(B) NACE International RP 0285-2002, *Corrosion Control of*

Underground Storage Tank Systems by Cathodic Protection, revised 2002. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact NACE International, Box 218340, Houston, TX 77218-8340, (713) 492-0535, www.nace.org;

(C) American Petroleum Institute Publication 1632, *Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems*, revised 2002. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the American Petroleum Institute, 1220 L Street NW, Washington, DC 20005, (202) 682-8000, www.api.org/standards/;

(D) American Society for Testing and Materials G158-98 (2010) *Standard Guide for Three Methods of Assessing Buried Steel Tanks*, revised 2010, Method B only. Methods A and C may not be used to evaluate the integrity of a steel tank. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, (610) 832-9500, www.astm.org; *[and]*

(E) National Leak Prevention Association Standard 631, *Spill Prevention, Minimum 10 Year Life Extension of Existing Steel Underground Tanks by Lining Without the Addition of Cathodic Protection*, revised 1999. This standard may only be used for interior lining application and inspection, not for inspection of the steel tank integrity. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the National Leak Prevention Association, (815) 301-2785, www.nlpa-online.org/; and

(F) Ken Wilcox Associates Recommended Practice, *Recommended Practice for Inspecting Buried Lined Steel Tanks Using a Video Camera*, September 28, 1999. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact Ken Wilcox Associates, 1125 Valley Ridge Drive, Grain Valley, MO 64029, (816) 443-2494, www.kwaleak.com.

AUTHORITY: sections 319.105 and 319.107, RSMo 2000, and section 319.137, RSMo Supp. [2010] 2013. This rule originally filed as 10 CSR 20-10.021. Original rule filed April 2, 1990, effective Sept. 28, 1990. Moved and amended: Filed April 15, 2011, effective Dec. 30, 2011. Amended: Filed Aug. 15, 2016.

PUBLIC COST: The state changes in this rule are expected to cost state agencies or political subdivisions five hundred sixty dollars (\$560) one (1) time and one hundred twenty-six dollars (\$126) annually thereafter to comply with the new requirements of this rule. A detailed fiscal note has been filed with the secretary of state. The public entity fiscal cost impacts for compliance with the federal standards that are being incorporated into this rule are accounted for in the federal rulemakings.

PRIVATE COST: The state changes in this rule are expected to cost private entities seven thousand four hundred forty dollars (\$7,440) one (1) time and one thousand six hundred seventy-four dollars (\$1,674) annually thereafter to comply with the new requirements of this rule. A detailed fiscal note has been filed with the secretary of state. The private entity fiscal cost impacts for compliance with the federal standards that are being incorporated into this rule are accounted for in the federal rulemakings.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on October 20, 2016, at the Elm Street Conference Center, 1730 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the

Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on October 27, 2016. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on October 27, 2016. Email comments shall be sent to heather.peters@dnr.mo.gov. Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1730 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

FISCAL NOTE

PUBLIC COST

I. RULE NUMBER

Rule Number and Name: 10 CSR 26-2.021 Applicability
Type of Rulemaking: Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Federal, State, County, City owned or affiliated underground storage tank owners	\$630 (every 5 years) or \$126 (annual) for the documentation requirements \$560 one-time cost split between all owners (7% of the one-time cost to one contractor)
Missouri Department of Natural Resources	\$0

III. Worksheet

See calculations in Section IV below.

IV. Assumptions

The Department is proposing changes to old, lined tanks that are typically beyond their warranty and life-expectancy. These regulations are being changed to ensure that these tanks are being inspected and repaired in a way that confirms that they remain leak-free as long as they are operational. EPA's UST regulation changes include modifications to the interior lining regulations. Specifically, their regulations require interior lined tanks be closed/replaced if the interior lining fails. The Department's proposed alternative requirements for interior linings, include:

- (1) Linings must meet the new UL 1856 installation standard,
- (2) Technicians must be certified (technicians must be certified to do work in almost every other aspect of UST service),
- (3) Documentation must include photographs,
- (4) An additional, less costly inspection option,
- (5) A new technology that allows repair of a lined tank that might otherwise, under the federal regulations, have to be closed.

While pieces of this regulation may be more costly than the new regulation, the proposed interior lining rule must be considered in its entirety as an alternative to the EPA federal regulation, including the closure requirement.

Furthermore, the Department is only aware of four companies that conduct interior lining installation and repair work in Missouri. Of those four companies, three of them already comply or are in the process of complying with the proposed regulations. As such, the proposed regulations have no associated increased costs to three of the four (including the two predominant companies) in Missouri. As the cost to permanently close a tank can be around \$15,000-\$20,000, the cost for the alternative interior lining rule package, which includes more detailed interior lining requirements, but doesn't require permanent closure in the event of a failure, is a less costly requirement than the federal version of the same rule package.

The one contractor that does not already meet the proposed regulations indicated that it would cost approximately \$8,000 total to comply with the training and certification requirements. This is a one-time cost, which we assume will be passed down to the tank owners (split between privately public owners). He indicated that he believed his product is already tested to be certified under UL1856; as such, there would be no additional costs to comply with this requirement for his company.

As for the additional documentation requirements, he indicated that he already does the additional documentation at some of the sites where he conducts interior lining inspections and installations. According to state records, he conducted approximately 13% of the interior lining inspections and installation; as he already complies with the additional documentation requirements at some of his sites, the Department used 10% of the lined tanks requiring additional documentation for the purposes of this RIR. The company that would need the additional documentation indicated that this would likely cost around \$250 per *facility* report. As we have about 900 active lined steel tanks at approximately 355 facilities, this would leave approximately 35 lined tank facilities that would need additional documentation for the lining inspections and installations. With an expected 36 facilities needing additional documentation, costing \$250 per facility report, we expect a total cost every five years (the interior lining inspection cycle) of \$9,000, so the average *annual* cost is \$1,800.

Based on our data, it appears that 93% of the sites are privately owned; the remaining 7% are publically owned.

Please note, the federal alternative would likely require permanent closure of some of these tanks, which could cost \$15,000-\$20,000 per tank.

Also included in this proposed rule is an additional, alternative interior lining inspection option. Some facilities opt to use interstitial monitoring to comply with tank release detection requirements. This monitoring could be used to meet the interior lining inspection. If a site is using interstitial monitoring, the Department could accept 12 months of interstitial monitoring records in lieu of the standard interior lining inspection. As an interior lining inspection can cost \$2,000-\$5,000 per tank, this is a potential significant cost savings per lined tank.

Cost of proposed amendments to rule 10 CSR 20-10.010 to the Department of Natural Resources
The Department of Natural Resources' Hazardous Waste Program already tracks these facilities and inspects their entire tank system, including monitoring systems. As such, there would be no additional cost to the department.

FISCAL NOTE

PRIVATE COST

I. RULE NUMBER

Rule Number and Name

10 CSR 26-2.021 Applicability

Type of Rulemaking

Amendment

II. SUMMARY OF FISCAL IMPACT

Classification by types of the business entities which would likely be affected:	Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Owners of emergency generator tanks <ul style="list-style-type: none"> • Hospitals • Nursing or Health Care facilities • Communication facilities and structures (e.g. cellular phone companies) • Banks • Food storage facilities • Data storage facilities • Other owners and operators of underground storage tank systems 	Approximately 900 tanks at 425 facilities 93% are privately owned Only one contractor indicated he did not meet the training requirements	\$8,370 (every 5 years) or \$1,674 (annually) \$7,440 one-time cost split between all owners (93% of the one-time cost to one contractor)

III. Worksheet

See calculations in Section IV below.

Fiscal Note for Proposed Rule 10 CSR 26-2.076
Page 2 of 3

IV. Assumptions

The Department is proposing changes to old, lined tanks that are typically beyond their warranty and life-expectancy. These regulations are being changed to ensure that these tanks are being inspected and repaired in a way that confirms that they remain leak-free as long as they are operational. EPA's UST regulation changes include modifications to the interior lining regulations. Specifically, their regulations require interior lined tanks be closed/replaced if the interior lining fails. The Department's proposed alternative requirements for interior linings, include:

- (1) Linings must meet the new UL 1856 installation standard,
- (2) Technicians must be certified (technicians must be certified to do work in almost every other aspect of UST service),
- (3) Documentation must include photographs,
- (4) An additional, less costly inspection option,
- (5) A new technology that allows repair of a lined tank that might otherwise, under the federal regulations, have to be closed.

While pieces of this regulation may be more costly than the new regulation, the proposed interior lining rule must be considered in its entirety as an alternative to the EPA federal regulation, including the closure requirement.

Furthermore, the Department is only aware of four companies that conduct interior lining installation and repair work in Missouri. Of those four companies, three of them already comply or are in the process of complying with the proposed regulations. As such, the proposed regulations have no associated increased costs to three of the four (including the two predominant companies) in Missouri. As the cost to permanently close a tank can be around \$15,000-\$20,000, the cost for the alternative interior lining rule package, which includes more detailed interior lining requirements, but doesn't require permanent closure in the event of a failure, is a less costly requirement than the federal version of the same rule package.

The one contractor that does not already meet the proposed regulations indicated that it would cost approximately \$8,000 total to comply with the training and certification requirements. This is a one-time cost, which we assume will be passed down to the tank owners (split between privately public owners). He indicated that he believed his product is already tested to be certified under UL1856; as such, there would be no additional costs to comply with this requirement for his company.

As for the additional documentation requirements, he indicated that he already does the additional documentation at some of the sites where he conducts interior lining inspections and installations. According to state records, he conducted approximately 13% of the interior lining inspections and installation; as he already complies with the additional documentation requirements at some of his sites, the Department used 10% of the lined tanks requiring additional documentation for the purposes of this RIR. The

Fiscal Note for Proposed Rule 10 CSR 26-2.076

Page 3 of 3

company that would need the additional documentation indicated that this would likely cost around \$250 per *facility* report. As we have about 900 active lined steel tanks at approximately 355 facilities, this would leave approximately 35 lined tank facilities that would need additional documentation for the lining inspections and installations. With an expected 36 facilities needing additional documentation, costing \$250 per facility report, we expect a total cost every five years (the interior lining inspection cycle) of \$9,000, so the average *annual* cost is \$1,800.

Please note, the federal alternative would likely require permanent closure of some of these tanks, which could cost \$15,000-\$20,000 per tank.

Also included in this proposed rule is an additional, alternative interior lining inspection option. Some facilities opt to use interstitial monitoring to comply with tank release detection requirements. This monitoring could be used to meet the interior lining inspection. If a site is using interstitial monitoring, the Department could accept 12 months of interstitial monitoring records in lieu of the standard interior lining inspection. As an interior lining inspection can cost \$2,000-\$5,000 per tank, this is a potential significant cost savings per lined tank.

Based on our data, it appears that 93% of the sites are privately owned; the remaining 7% are publically owned.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 26—Petroleum and Hazardous Substance
Storage Tanks
Chapter 2—Underground Storage Tanks—Technical
Regulations

PROPOSED AMENDMENT

10 CSR 26-2.022 Notification Requirements. The commission is proposing to amend sections (1) and (2) of this rule.

PURPOSE: There are two (2) primary purposes for this rulemaking. The first is to open UST rules in Title 10, Division 26 of the *Code of State Regulations* to make the necessary changes required by the U.S. Environmental Protection Agency (EPA). The 2005 Energy Policy Act required either financial responsibility for UST installers and manufacturers or secondary containment for all new systems. In addition, last October, EPA adopted changes to the federal UST regulations that need to be incorporated into state regulation. This rulemaking will make the necessary changes to comply with these EPA grant requirements and to incorporate the changes made to the federal regulations.

The second reason is to incorporate state-specific changes. The department will also take this opportunity to clarify ambiguous or confusing language and update industry standard referenced in the regulations.

(1) Any owner who brings an underground storage tank (UST) system in-operation must, within thirty (30) days of bringing the tank [into] in-operation, register the completed UST system on forms provided by the department. Note: Owners and operators of UST systems that were in the ground on or after May 8, 1986, unless taken out-of-use on or before January 1, 1974, were required to notify the state in accordance with the Hazardous and Solid Waste Amendments of 1984, P.L. 98-616, on a form published by Environmental Protection Agency (EPA) on November 8, 1985 (50 FR 46602), unless notice was given pursuant to section 103(c) of Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). Owners and operators who have not complied with the notification requirements [may] **must** use a form/s *provided* **approved** by the department.

(2) *[Notices required to be submitted under section (1) of this rule must provide all of the information requested in a form approved by the department for each UST.] No later than July 1, 2019, owners of previously deferred UST systems must register their UST system(s) on forms approved by the department.*

AUTHORITY: sections 319.103, 319.105, 319.107, 319.111, 319.114, and 319.123, RSMo 2000, and section 319.137, RSMo Supp. [2010] 2013. This rule originally filed as 10 CSR 20-10.022. Original rule filed April 2, 1990, effective Sept. 28, 1990. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Aug. 15, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate. The public entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COM-

MENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on October 20, 2016, at the Elm Street Conference Center, 1730 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on October 27, 2016. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on October 27, 2016. Email comments shall be sent to heather.peters@dnr.mo.gov. Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1730 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 26—Petroleum and Hazardous Substance
Storage Tanks
Chapter 2—Underground Storage Tanks—Technical
Regulations

PROPOSED AMENDMENT

10 CSR 26-2.030 Spill and Overfill Control for In-Use Underground Storage Tank Systems. The commission is proposing to amend the title of this rule, adding new sections (3) through (8), and renumbering accordingly.

PURPOSE: There are two (2) primary purposes for this rulemaking. The first is to open UST rules in Title 10, Division 26 of the *Code of State Regulations* to make the necessary changes required by the U.S. Environmental Protection Agency (EPA). The 2005 Energy Policy Act required either financial responsibility for UST installers and manufacturers or secondary containment for all new systems. In addition, last October, EPA adopted changes to the federal UST regulations that need to be incorporated into state regulation. This rulemaking will make the necessary changes to comply with these EPA grant requirements and to incorporate the changes made to the federal regulations.

The second reason is to incorporate state-specific changes. The proposed changes would better ensure that old tanks are still functional enough to remain in use. The changes would better prevent and detect leaks, establish clearer and more detailed new system installation requirements, and incorporate new technologies. The department will also take this opportunity to clarify ambiguous or confusing language and update industry standard referenced in the regulations.

(3) Owners and operators must meet one (1) of the following requirements to ensure their spill prevention equipment is operating properly and will prevent releases to the environment:

(A) Have double-walled spill prevention equipment and monitor the space between the walls at least once every thirty (30) days; or

(B) The spill prevention equipment is tested at least triennially to ensure the spill prevention equipment is liquid tight by using vacuum, pressure, or liquid testing in accordance with one (1) of the following:

1. Requirements developed by the manufacturer (Note: This option may only be used if the manufacturer has developed testing requirements. Self-testing apparatus may only be used if pre-approved by the department as a valid functionality test.); or

2. Interstitial test (for double-walled spill basins only) or spill containment test listed by the National Work Group on Leak

Detection Evaluations. To obtain copies of equipment certifications, contact the National Work Group for Leak Detection Evaluations, www.nwglde.org; or

3. Petroleum Equipment Institute RP 1200-12, *Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities*. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the Petroleum Equipment Institute, Box 2380, Tulsa, OK 74101-2380, (918) 494-9696, www.pei.org; or

4. Other methods approved by the department, which may include a code of practice developed by a nationally recognized association or independent testing laboratory, determined to be no less protective of human health and the environment than the requirements listed in paragraphs 1. through 3. of this subsection.

(4) Spill basins may not be repaired with a partial or spot, field-applied repair kit, or product. Repairs must either be a manufacturer-designed replacement insert or a complete factory-built, field-installed complete spill basin repair kit. Other repairs may be approved by the department if they are determined to be no less protective of human health and the environment.

(5) Owners and operators must ensure their overfill prevention equipment is operating properly and will prevent releases to the environment. Overfill prevention equipment must be inspected or tested at least triennially. At a minimum, the test or inspection must ensure that overfill prevention equipment is set to activate at the correct level specified in 10 CSR 26-2.020 and will activate when the regulated substance reaches that level. Tests or inspections must be conducted in accordance with one (1) of the following criteria:

(A) Requirements developed by the manufacturer, but only if the test or inspection confirms that all portions of the overfill device are intact and functional. (Note: This option may be used if the manufacturer has developed testing requirements. Self-testing apparatus may only be used if approved by the department as a valid functionality test); or

(B) Petroleum Equipment Institute RP 1200-12, *Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities*. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the Petroleum Equipment Institute, Box 2380, Tulsa, OK 74101-2380, (918) 494-9696, www.pei.org; or

(C) Other methods approved by the department, which may include a code of practice developed by a nationally recognized association or independent testing laboratory, determined to be no less protective of human health and the environment than the requirements listed in paragraphs 1. through 3. of subsection (3)(B).

(6) The first test of the spill equipment and the first test or inspection of the overfill prevention equipment required by this rule is due no later than January 1, 2020.

(7) If a tank has been out of use for more than twelve (12) months, equipment must be confirmed operational with a test of the spill prevention equipment and an inspection or test of the overfill prevention equipment, prior to bringing it back in-use.

(8) Owners and operators must maintain the following records, in accordance with 10 CSR 26-2.034, for spill and overfill prevention equipment:

(A) Test and/or inspection records must be maintained for three (3) years; and/or

(B) When using interstitial monitoring, records must be main-

tained for twelve (12) months.

[(3)](9) Guidance on spill and overfill prevention appears in the—

(A) American Petroleum Institute Publication 1621, *Recommended Practice for Bulk Liquid Stock Control at Retail Outlets*, revised 2001. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the American Petroleum Institute, 1220 L Street NW, Washington, DC 20005, (202) 682-8000, www.api.org/standards/; [and]

(B) National Fire Protection Association Standard 30, *Flammable and Combustible Liquids Code*, revised 2008. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the National Fire Protection Association, 1 Batterymarch Park, Box 9101, Quincy, MA 02269-9101, (617) 770-3000, www.nfpa.org/;

(C) Petroleum Equipment Institute RP 1200-12, *Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities*. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the Petroleum Equipment Institute, Box 2380, Tulsa, OK 74101-2380, (918) 494-9696, www.pei.org;

(D) National Fire Protection Association Standard 385, *Standard for Tank Vehicles for Flammable and Combustible Liquids*, revised 2012. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the National Fire Protection Association, 1 Batterymarch Park, Box 9101, Quincy, MA 02269-9101, (617) 770-3000, www.nfpa.org; and

(E) American Petroleum Institute Recommended Practice 1007, *Loading and Unloading of MC 306/DOT Cargo Tank Motor Vehicles*, revised 2011. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the American Petroleum Institute, 1220 L Street NW, Washington, DC 20005, (202) 682-8000, www.api.org/standards.

AUTHORITY: sections 319.105 and 319.107, RSMo 2000, and section 319.137, RSMo Supp. [2010] 2013. This rule originally filed as 10 CSR 20-10.030. Original rule filed April 2, 1990, effective Sept. 28, 1990. Moved and amended: Filed April 15, 2011, effective Dec. 30, 2011. Amended: Filed Aug. 15, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate. The public entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on October 20, 2016, at the Elm Street Conference Center, 1730 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on October 27, 2016. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To

be accepted, written comments must be postmarked by midnight on October 27, 2016. Email comments shall be sent to heather.peters@dnr.mo.gov. Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1730 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 26—Petroleum and Hazardous Substance
Storage Tanks
Chapter 2—Underground Storage Tanks—Technical
Regulations

PROPOSED AMENDMENT

10 CSR 26-2.031 Operation and Maintenance of Corrosion Protection. The commission is proposing to amend sections (1), (2), and (3) of the rule.

PURPOSE: There are two (2) primary purposes for this rulemaking. The first is to open UST rules in Title 10, Division 26 of the *Code of State Regulations* to make the necessary changes required by the U.S. Environmental Protection Agency (EPA). The 2005 Energy Policy Act required either financial responsibility for UST installers and manufacturers or secondary containment for all new systems. In addition, last October, EPA adopted changes to the federal UST regulations that need to be incorporated into state regulation. This rulemaking will make the necessary changes to comply with these EPA grant requirements and to incorporate the changes made to the federal regulations.

The second reason is to incorporate state-specific changes. The proposed changes would better ensure that old tanks are still functional enough to remain in use. The department will also take this opportunity to clarify ambiguous or confusing language and update industry standard referenced in the regulations.

(1) All owners and operators of *[steel] metal* underground storage tank (UST) systems with corrosion protection must comply with the following requirements to ensure that releases due to corrosion are prevented *[for as long as the UST system is used to store regulated substances]* until the system is permanently closed or has an out-of-use site assessment conducted in accordance with 10 CSR 26-2.060 through 10 CSR 26-2.064.

(D) For UST systems using cathodic protection, records of the operation of the cathodic protection system must be maintained *[in accordance with 10 CSR 26-2.034]]* to demonstrate compliance with the performance standards in this rule. These records must provide the following:

1. The results of the last three (3) inspections required in subsection (1)(C) of this rule; and
2. The results of testing from the last two (2) inspections required in subsection (1)(B) of this rule.

(2) The following codes and standards may be used to comply with this rule:

(A) NACE International RP 0285-2002, *Corrosion Control of Underground Storage Tank Systems by Cathodic Protection*, revised 2002. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact NACE International, Box 218340, Houston, TX 77218-8340, (713) 492-0535, www.nace.org; *[or]*

(B) NACE International TM0101-2001, *Standard Test Method, Measurement Techniques Related to Criteria for Cathodic Protection on Underground or Submerged Metallic Tank Systems*, 2001 edition. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact NACE International, Box 218340, Houston, TX 77218-8340, (713) 492-0535, www.nace.org; *[or]*

(C) NACE International SP-0169-2007, *Control of External Corrosion on Submerged Metallic Piping Systems*, revised 2007. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact NACE International, Box 218340, Houston, TX 77218-8340, (713) 492-0535, www.nace.org;

(D) NACE International TM0497-2012, *Measurement Techniques Related to Criteria for Cathodic Protection on Underground or Submerged Metallic Piping Systems*, revised 2012. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact NACE International, Box 218340, Houston, TX 77218-8340, (713) 492-0535, www.nace.org;

[(C)](E) *Steel Tank Institute Cathodic Protection Testing Procedures for sti-P3 USTs*, R051, January 2006. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the Steel Tank Institute, 944 Donata Court, Lake Zurich, IL 60047, (708) 438-8265, www.steeltank.com; *[or]*

[(D)](F) *Steel Tank Institute Recommended Practice for the Addition of Supplemental Anodes to sti-P3 USTs*, R972, December 2010. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the Steel Tank Institute, 944 Donata Court, Lake Zurich, IL 60047, (708) 438-8265, www.steeltank.com; *[or]*

(G) *Steel Tank Institute Recommended Practice for Corrosion Protection of Underground Piping Networks Associated with Liquid Storage and Dispensing Systems*, R892, Revised January 2006. To obtain a copy, contact the Steel Tank Institute, 944 Donata Court, Lake Zurich, IL 60047, (708) 438-8265, www.steeltank.com.

(3) If cathodic protection is being used to protect all or part of a UST system from corrosion, and the electric system energizing the cathodic protection has been off, unhooked, or damaged for more than ninety (90) days, the owner/operator must—

(A) Conduct *a/n/ tank* integrity test, documenting adequate tank shell integrity and thickness, as required in 10 CSR 26-2.021(3)(B); and

(B) Have a corrosion expert or design engineer re-evaluate the UST system, cathodic protection system, and surrounding structures and design and/or make changes to the existing cathodic protection system to meet the standards in 10 CSR 26-2.020(1)(A)2.B.–D.;

(C) Replace metal piping components;

[(C)](D) The owner/operator may request an additional ninety (90) days to repair the systems by submitting a request, including the justification for the extension; or

[(D)](E) Permanently close the tank, in accordance with 10 CSR 26-2.060 through 10 CSR 26-2.064.

AUTHORITY: sections 319.105 and 319.107, RSMo 2000, and section 319.137, RSMo Supp. [2010] 2013. This rule originally filed as 10 CSR 20-10.031. Original rule filed April 2, 1990, effective Sept. 28, 1990. Moved and amended: Filed April 15, 2011, effective Dec. 30, 2011. Amended: Filed Aug. 15, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate. The public entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

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will hold a public hearing on this rule action and others beginning at 10:00 a.m. on October 20, 2016, at the Elm Street Conference Center, 1730 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

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Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 26—Petroleum and Hazardous Substance
Storage Tanks
Chapter 2—Underground Storage Tanks—Technical Regulations

PROPOSED AMENDMENT

10 CSR 26-2.032 Compatibility. The commission is proposing to add new sections (2) and (3) and renumbering accordingly.

PURPOSE: There are two (2) primary purposes for this rulemaking. The first is to open UST rules in Title 10, Division 26 of the *Code of State Regulations* to make the necessary changes required by the U.S. Environmental Protection Agency (EPA). The 2005 Energy Policy Act required either financial responsibility for UST installers and manufacturers or secondary containment for all new systems. In addition, last October, EPA adopted changes to the federal UST regulations that need to be incorporated into state regulation. This rulemaking will make the necessary changes to comply with these EPA grant requirements and to incorporate the changes made to the federal regulations.

The second reason is to incorporate state-specific changes. The proposed changes would better ensure that old tanks are still functional enough to remain in use. The changes would better prevent and detect leaks and incorporate new technologies. The department will also take this opportunity to clarify ambiguous or confusing language and update industry standard referenced in the regulations.

(2) Owners and operators must notify the department at least thirty (30) days prior to switching to a regulated substance containing greater than ten percent (10%) ethanol and/or greater than twenty percent (20%) biodiesel.

(3) Owners and operators may use one (1) or more of the following methods to demonstrate UST system compatibility with the regulated substance stored:

(A) Certification or listing of UST system components by a nationally recognized, independent testing laboratory for use with the regulated substance stored; or

(B) Equipment or component manufacturer approval. The manufacturer's approval must be in writing, indicate an affirmative statement of compatibility and functionality, specify the range of product blends with which the component is compatible, and be from the equipment or component manufacturer; or

(C) Another method determined by the department to be no less protective of human health and the environment than the methods listed in subsection (A) or (B) of this section.

[(2)](4) Owners and operators storing alcohol blends may use the following codes to comply with this rule:

(A) American Petroleum Institute [Publication] **Recommended Practice 1626, Storing and Handling Ethanol and Gasoline-Ethanol Blends at Distribution Terminals and Service Stations, [revised 2001] 2010 Edition with 2012 Addendum.** This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the American Petroleum Institute, 1220 L Street NW, Washington, DC 20005, (202) 682-8000, www.api.org/standards/; or

[(B)](B) American Petroleum Institute Publication 1627, *Storage and Handling of Gasoline-Methanol/Cosolvent Blends at Distribution Terminals and Service stations, revised 2001.* This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the American Petroleum Institute, 1220 L Street NW, Washington, DC 20005, (202) 682-8000, www.api.org/standards/; or

[(C)](B) Other standards or publications approved by the department.

AUTHORITY: section 319.105, RSMo 2000, and section 319.137, RSMo Supp. [2010] 2013. This rule originally filed as 10 CSR 20-10.032. Original rule filed April 2, 1990, effective Sept. 28, 1990. Moved and amended: Filed April 15, 2011, effective Dec. 30, 2011. Amended: Filed Aug. 15, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate. The public entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

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Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 26—Petroleum and Hazardous Substance
Storage Tanks
Chapter 2—Underground Storage Tanks—Technical Regulations

PROPOSED AMENDMENT

10 CSR 26-2.033 Repairs Allowed. The commission is proposing to

amend section (2) of this rule.

PURPOSE: There are two (2) primary purposes for this rulemaking. The first is to open UST rules in Title 10, Division 26 of the Code of State Regulations to make the necessary changes required by the U.S. Environmental Protection Agency (EPA). The 2005 Energy Policy Act required either financial responsibility for UST installers and manufacturers or secondary containment for all new systems. In addition, last October, EPA adopted changes to the federal UST regulations that need to be incorporated into state regulation. This rulemaking will make the necessary changes to comply with these EPA grant requirements and to incorporate the changes made to the federal regulations.

The second reason is to incorporate state-specific changes. The proposed changes would better ensure that tanks are still functional enough to remain in use. The changes would better prevent and detect leaks, help provide better repairs, and incorporate new technologies. The department will also take this opportunity to clarify ambiguous or confusing language and update industry standard referenced in the regulations.

(2) The repairs must meet the following requirements:

(A) Repairs to UST systems must be properly conducted in accordance with a code of practice developed by a nationally-recognized association or an independent testing laboratory.

1. The following codes and standards may be used to comply with subsection (2)(A) of this rule:

A. National Fire Protection Association Standard 30, *Flammable and Combustible Liquids Code*, revised 2008. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the National Fire Protection Association, 1 Batterymarch Park, Box 9101, Quincy, MA 02269-9101, (617) 770-3000, www.nfpa.org;

B. National Fire Protection Association Standard 326, *Standard for the Safeguarding of Tanks and Containers for Entry, Cleaning, or Repair*, revised 2015. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the National Fire Protection Association, 1 Batterymarch Park, Box 9101, Quincy, MA 02269-9101, (617) 770-3000, www.nfpa.org;

[B./C.] American Petroleum Institute Publication 2200, *Repairing Crude Oil, Liquefied Petroleum Gas, and Product Pipelines*, revised 2001. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the American Petroleum Institute, 1220 L Street NW, Washington, DC 20005, (202) 682-8000, www.api.org/standards/;

[C./D.] American Petroleum Institute Standard 1631, *Interior Lining and Periodic Inspection of Underground Storage Tanks*, revised 2001. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the American Petroleum Institute, 1220 L Street NW, Washington, DC 20005, (202) 682-8000, www.api.org/standards/; and]

[D./E.] National Leak Prevention Association Standard 631, *Spill Prevention, Minimum 10-Year Life Extension of Existing Steel Underground Tanks by Lining Without the Addition of Cathodic Protection*, revised 1999. This standard may only be used for interior lining application and inspection, not for integrity testing of the steel shell. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the National Leak Prevention Association, (815) 301-2785, www.nlpa-online.org; and

F. Fiberglass Tank and Piping Institute T-95-1, *Remanufacturing of Fiberglass Plastic (FRP) Underground Storage Tanks*, Revised 1995. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the Fiberglass Tank and Piping Institute, <http://www.fiberglassstankandpipe.com>;

(C) Metal pipe sections and fittings that have released a regulated

substance as a result of corrosion or other damage must be replaced. For cathodically protected metal piping, the entire length of electrically-continuous metal pipe must be replaced. *[Fiberglass] Non-corrodible* pipes and fittings may be repaired in accordance with the manufacturer's specifications;

(E) Repaired tanks and/or piping must be tightness tested in accordance with release detection methods listed in 10 CSR 26-2.043(1)(D) and 10 CSR 26-2.044(1)(B) within thirty (30) days following the date of the completion of the repair, *[except as provided in the following paragraphs:] unless tested using another method that is determined by the department to be no less protective of human health and the environment;*

[1. The repaired tank is internally inspected in accordance with a code of practice developed by a nationally-recognized association or an independent testing laboratory;

2. The repaired portion of the UST system is monitored monthly for releases by one (1) of the release detection methods listed in 10 CSR 26-2.043(1)(B) and (E)-(I); or

3. Another test method is used that is determined by the department to be no less protective of human health and the environment than those listed in paragraphs (2)(E)1. and 2. of this rule;]

(F) Repairs of UST systems, or any portion of a UST system, required to be double-walled, must be tested to confirm the integrity of both walls of the repaired tank or piping system within thirty (30) days following the completion of any repair;

(G) Repairs to any required containment sumps must be tested using a method specified in 10 CSR 26-2.035(1)(B) within thirty (30) days following the completion of any repair;

(H) Within thirty (30) days following any repair to spill or prevention equipment, the repaired spill or overfill prevention equipment must be tested in accordance with 10 CSR 26-2.030 to ensure it is operating properly;

[[F)](I) Within six (6) months following the repair of any cathodically protected UST system, the cathodic protection system must be tested with the methods of operation and maintenance of corrosion protection in 10 CSR 26-2.031(1)(B) and (C) to ensure that it is operating properly. Repair may include, but is not limited to, adjustments, maintenance, replacement, or changes to cathodic protection equipment and/or tank repairs; and]

[[G)](J) If a tank is repaired by installation of an interior lining, the lining must be properly maintained and inspected, in accordance with 10 CSR 26-2.021(3)(A), for the life of the tank; and

[[H)](K) UST system owners and operators must maintain records *[of] demonstrating compliance with this rule* for each repair for the remaining operating life of the UST system *[that demonstrate compliance with the requirement of this rule]*.

AUTHORITY: sections 319.105 and 319.107, RSMo 2000, and section 319.137, RSMo Supp. [2010] 2013. This rule originally filed as 10 CSR 20-10.033. Original rule filed April 2, 1990, effective Sept. 28, 1990. Moved and amended: Filed April 15, 2011, effective Dec. 30, 2011. Amended: Filed Aug. 15, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate. The public entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

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Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 26—Petroleum and Hazardous Substance
Storage Tanks
Chapter 2—Underground Storage Tanks—Technical
Regulations

PROPOSED AMENDMENT

10 CSR 26-2.034 Reporting and Record Keeping. The commission is proposing to amend section (1) of this rule.

PURPOSE: There are two (2) primary purposes for this rulemaking. The first is to open UST rules in Title 10, Division 26 of the **Code of State Regulations** to make the necessary changes required by the U.S. Environmental Protection Agency (EPA). The 2005 Energy Policy Act required either financial responsibility for UST installers and manufacturers or secondary containment for all new systems. In addition, last October, EPA adopted changes to the federal UST regulations that need to be incorporated into state regulation. This rulemaking will make the necessary changes to comply with these EPA grant requirements and to incorporate the changes made to the federal regulations.

The second reason is to incorporate state-specific changes. The proposed changes would better ensure that old tanks are still functional enough to remain in use. The changes would better prevent and detect leaks, outline the requirements for recordkeeping in the new rules, and incorporate new technologies. The department will also take this opportunity to clarify ambiguous or confusing language and update industry standard referenced in the regulations.

(1) Owners and operators of underground storage tank (UST) systems must cooperate fully with inspections, monitoring, and testing conducted by the department, or the department's authorized representative, as well as requests for document submission, testing, and monitoring [by the owner or operator].

(A) Reporting. Owners and operators must submit the following information to the department:

1. Notification for all UST systems [by] **subject** to the notification requirements in 10 CSR 26-2.022;
2. Reports of all releases including suspected releases (10 CSR 26-2.050), spills and overfills (10 CSR 26-2.053), and confirmed releases (10 CSR 26-2.071);
3. Corrective actions planned or taken including initial abatement measures (10 CSR 26-2.072), initial site characterization (10 CSR 26-2.074), free product removal (10 CSR 26-2.075), investigation of soil and groundwater cleanup (10 CSR 26-2.078), and corrective action plan (10 CSR 26-2.082); and
4. A notification before permanent closure or change in service (10 CSR 26-2.061).

(B) Record Keeping. Owners and operators must maintain the fol-

lowing information:

1. [A corrosion expert's analysis of site corrosion potential if corrosion protection equipment is not used (10 CSR 26-2.020(1)(A)4. and (1)(B)4.);] **Installation records for secondary containment of double-walled equipment, including tanks, piping, containment sumps, and spill basins, installed after July 1, 2017;**

2. Documentation of operation of corrosion protection equipment (10 CSR 26-2.031);

3. **Documents demonstrating compatibility of UST systems, including tanks, piping, release detection equipment, and all other ancillary equipment with the regulated substance being stored (10 CSR 26-2.032);**

[3.]4. Documentation of UST system repairs (10 CSR 26-2.033[(2)(H)]);

5. **Documentation demonstrating spill and overfill prevention equipment is being properly maintained, inspected, and tested (10 CSR 26-2.030);**

6. **Documentation of containment sump testing results (10 CSR 26-2.035);**

7. **Documentation of periodic walk-through inspections (10 CSR 26-2.036);**

[4.]8. Recent compliance with release detection requirements (10 CSR 26-2.04[5/8]); [and]

[5.]9. Results of the site investigation conducted at permanent closure (10 CSR 26-2.064)[.]; and

10. **Documentation demonstrating compliance with the operator training rule (10 CSR 100-6).**

AUTHORITY: sections 319.107 and 319.111, RSMo 2000, and section 319.137, RSMo Supp. [2010] 2013. This rule originally filed as 10 CSR 20-10.034. Original rule filed April 2, 1990, effective Sept. 28, 1990. Amended: Filed Aug. 3, 1993, effective April 9, 1994. Moved and amended: Filed April 15, 2011, effective Dec. 30, 2011. Amended: Filed Aug. 15, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate. The public entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

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Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 26—Petroleum and Hazardous Substance
Storage Tanks
Chapter 2—Underground Storage Tanks—Technical
Regulations

PROPOSED RULE

10 CSR 26-2.035 Testing of Containment Sumps

PURPOSE: This rule contains the requirements for testing the newly required containment sumps associated with underground storage tank systems.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Owners and operators of underground storage tank (UST) systems with containment sumps required by 10 CSR 26-2.020 and/or 10 CSR 26-2.021, must ensure the continued integrity of required containment sumps by meeting one (1) of the following requirements:

(A) The containment sump has two (2) walls and the integrity of both walls is monitored annually; or

(B) The containment sump primary wall is tested at least triennially to ensure the equipment is liquid-tight by using vacuum, pressure, or liquid testing in accordance with one (1) of the following criteria:

1. Requirements developed by the manufacturer (Note: Owners and operators may use this option only if the manufacturer has developed testing requirements.);

2. An interstitial test or containment sump test listed by the National Work Group on Leak Detection Evaluations. To obtain copies of equipment certifications, contact the National Work Group for Leak Detection Evaluations, www.nwglde.org; or

3. Petroleum Equipment Institute RP 1200-12, *Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities*. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the Petroleum Equipment Institute, Box 2380, Tulsa, OK 74101-2380, (918) 494-9696, www.pei.org; or

4. Another method approved by department, including code(s) of practice developed by a nationally recognized association(s) or independent testing laboratory(ies), determined to be no less protective of human health and the environment than the requirements listed in paragraphs 1. through 3. of this subsection.

(2) Owners and operators must maintain record(s) of the required containment sump monitoring for twelve (12) months or test(s) required by this rule until the next test is performed.

AUTHORITY: sections 319.105 and 319.107, RSMo 2000, and section 319.137, RSMo Supp. 2015. Original rule filed Aug. 15, 2016.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate. The public entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on October 20, 2016, at the Elm Street Conference Center, 1730 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on October 27, 2016. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on October 27, 2016. Email comments shall be sent to heather.peters@dnr.mo.gov. Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1730 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 26—Petroleum and Hazardous Substance
Storage Tanks
Chapter 2—Underground Storage Tanks—Technical
Regulations

PROPOSED RULE

10 CSR 26-2.036 Operation and Maintenance Walkthrough Inspections

PURPOSE: This rule contains the new requirements for walkthrough inspections of underground storage tank systems.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) To properly operate and maintain underground storage tank (UST) systems, owners and operators must ensure the following requirements are met by the timeframes outlined in section (2):

(A) Conduct a walkthrough inspection that, at a minimum, checks the following equipment as specified below:

1. Every thirty (30) days, owners and operators must—

A. For spill prevention equipment - visually check for any damage; remove liquid or debris; check for and remove obstructions in the fill pipe, check the fill cap to make sure it is securely on the fill pipe; and for double-walled spill prevention equipment with interstitial monitoring, check for a leak in the interstitial area;

B. For release detection systems - check to make sure the release detection system is operating with no alarms or other unusual operating conditions present; and ensure records of release detection testing are reviewed monthly and are current;

2. Annually, owners and operators must—

A. For containment sumps required in 10 CSR 26-2.020 or 10 CSR 26-2.021, including tank top or submersible turbine pump, under-dispenser, and transition or intermediate sumps - visually check for any damage, leaks to the containment sump area, or releases to the environment; remove any liquid or debris; and for double-walled containment sumps, check for a leak in the interstitial area;

B. For hand held release detection equipment - check devices such as tank gauge sticks for operability and serviceability.

(2) The first walkthrough inspections in section (1) are due—

(A) Immediately upon installation for new UST systems installed after July 1, 2017; or

(B) No later than January 1, 2020, for existing UST systems.

(3) Owners and operators may use the following codes to comply with this rule:

(A) Petroleum Equipment Institute RP 500-11, *Recommended Practices for Inspection and Maintenance of Motor Fuel Dispensing Equipment*. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the Petroleum Equipment Institute, Box 2380, Tulsa, OK 74101-2380, (918) 494-9696, www.pei.org;

(B) Petroleum Equipment Institute RP 900-08, *Recommended Practices for Inspection and Maintenance of UST Systems*. This document is incorporated by reference without any later amendments or modifications. To obtain a copy, contact the Petroleum Equipment Institute, Box 2380, Tulsa, OK 74101-2380, (918) 494-9696, www.pei.org.

(4) Owners and operators must maintain records (in accordance with 10 CSR 26-2.034) of operation and maintenance walkthrough inspections for one (1) year. The record must include a listing of each area checked, whether each area checked was acceptable or needed to have any action taken, and a description of any actions taken to correct an issue.

AUTHORITY: sections 319.105 and 319.107, RSMo 2000, and section 319.137, RSMo Supp. 2015. Original rule filed Aug. 15, 2016.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate. The public entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

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Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 26—Petroleum and Hazardous Substance
Storage Tanks
Chapter 2—Underground Storage Tanks—Technical
Regulations

PROPOSED AMENDMENT

10 CSR 26-2.040 General Requirements for Release Detection for

All Underground Storage Tank Systems. The commission is proposing to amend sections (1) and (2) of this rule.

PURPOSE: There are two (2) primary purposes for this rulemaking. The first is to open UST rules in Title 10, Division 26 of the *Code of State Regulations* to make the necessary changes required by the U.S. Environmental Protection Agency (EPA). The 2005 Energy Policy Act required either financial responsibility for UST installers and manufacturers or secondary containment for all new systems. In addition, last October, EPA adopted changes to the federal UST regulations that need to be incorporated into state regulation. This rulemaking will make the necessary changes to comply with these EPA grant requirements and to incorporate the changes made to the federal regulations.

The second reason is to incorporate state-specific changes. The proposed changes would better ensure that old tanks are still functional enough to remain in use. The changes would better prevent and detect leaks and incorporate new technologies. The department will also take this opportunity to clarify ambiguous or confusing language and update industry standard referenced in the regulations.

(1) Owners and operators of underground storage tank (UST) systems that are in use must use a method, or combination of methods, [or/] of release detection that—

(B) Is installed, calibrated, operated, **tested**, and maintained in accordance with the manufacturer's instructions, including routine maintenance and service checks for operability or running condition; and **J. If manufacturer's test methods are not available, the annual operability test may be conducted in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory or a method approved by the department. Operability test reports must, at a minimum, include facility name and address, components tested, model and serial number (if legible), testing date, test method, technician name and affiliation, and a certification of results;**

(C) For existing sites, the first test is due not later than January 1, 2020. Electronic and mechanical release detection equipment must be tested annually for proper operation, in accordance with subsection (B) of this section. A test of the proper operation must be performed at least annually and, at a minimum and as applicable to the facility, cover the following components and criteria:

1. Automatic tank gauge and other controllers: test alarm; verify system configuration; test battery backup;

2. Probes and sensors: inspect for residual buildup; ensure floats move freely; ensure shaft is not damaged; ensure cables are free of kinks, bends, and breaks; test alarm operability and communication with controller; and

3. Vacuum pumps and pressure gauges: ensure proper communication with sensors and controller;

[(C)](D) Meets the performance requirements for tanks in 10 CSR 26-2.043 or 10 CSR 26-2.046 for field constructed tanks, or for piping in 10 CSR 25-2.044 or 10 CSR 26-2.047 for bulk piping, with any performance claims and their manner of determination described in writing by the equipment manufacturer or installer. In addition, all release detection methods must be capable of detecting the leak rate or quantity specified for [that tank] the method in 10 CSR 26-2.043, [or piping method in] 10 CSR 26-2.044, 10 CSR 26-2.046, or 10 CSR 26-2.047, as appropriate, with a probability of detection of ninety-five percent (95%) and a probability of false alarm of five percent (5%); and

[(D)](E) All release detection methods and equipment must be conducted and operated in accordance with the applicable National Work Group on Leak Detection Evaluations [(NWGLDE) certification] listing, unless otherwise approved by the department. To obtain copies of equipment [certifications] listings, contact the National Work Group [for] on Leak Detection Evaluations, www.nwglde.org.

(2) When a release detection method for tanks in 10 CSR 26-2.043 or 10 CSR 26-2.046 or for piping in 10 CSR 26-2.044 or 10 CSR 26-2.047 indicates a release may have occurred, owners and operators must notify the department in accordance with 10 CSR 26-2.050-10 CSR 26-2.053.

AUTHORITY: sections 319.105, 319.107, and 319.111, RSMo 2000, and section 319.137, RSMo Supp. [2010] 2013. This rule originally filed as 10 CSR 20-10.040. Original rule filed April 2, 1990, effective Sept. 28, 1990. Amended: Filed Aug. 3, 1993, effective April 9, 1994. Moved and amended: Filed April 15, 2011, effective Dec. 30, 2011. Amended: Filed Aug. 15, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate. The public entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

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Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on October 27, 2016. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on October 27, 2016. Email comments shall be sent to heather.peters@dnr.mo.gov. Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1730 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 26—Petroleum and Hazardous Substance
Storage Tanks
Chapter 2—Underground Storage Tanks—Technical
Regulations**

PROPOSED AMENDMENT

10 CSR 26-2.041 Requirements for Petroleum Underground Storage Tank Systems. The commission is proposing to amend sections (1) and (2) of this rule.

PURPOSE: There are two (2) primary purposes for this rulemaking. The first is to open UST rules in Title 10, Division 26 of the *Code of State Regulations* to make the necessary changes required by the U.S. Environmental Protection Agency (EPA). The 2005 Energy Policy Act required either financial responsibility for UST installers and manufacturers or secondary containment for all new systems. In addition, last October, EPA adopted changes to the federal UST regulations that need to be incorporated into state regulation. This rulemaking will make the necessary changes to comply with these EPA grant requirements and to incorporate the changes made to the federal regulations.

The second reason is to incorporate state-specific changes. The proposed changes would better ensure that old tanks are still functional enough to remain in use. The changes would better prevent and detect leaks and incorporate new technologies. The department will also take this opportunity to clarify ambiguous or confusing language and update industry standard referenced in the regulations.

(1) Owners and operators of petroleum underground storage tanks (UST) systems that are in use must provide release detection for tanks and piping as follows:

(A) Tanks. Tanks must be monitored at least every thirty (30) days for releases using one (1) of the methods listed in 10 CSR 26-2.043(1)(B)-(I), except that—

1. UST systems that meet new or upgraded standards in 10 CSR 26-2.020 or 10 CSR 26-2.021 and the monthly inventory control requirements in 10 CSR 26-2.043(1)(A) may use tank tightness testing (10 CSR 26-2.043(1)(D)) at least every five (5) years until December 22, 1998, or until ten (10) years after the tank is installed or upgraded under 10 CSR 26-2.021(3), whichever is later;

2. Tanks with a capacity of *[five hundred fifty (550)] two thousand (2,000)* gallons or less may use manual tank gauging (10 CSR 26-2.043(1)(C)); *[and]*

3. Field-constructed tanks greater than fifty thousand (50,000) gallons may use the alternative release detection requirements in 10 CSR 26-2.046;

4. Groundwater monitoring (10 CSR 26-2.043 subsection (1)(G)) will no longer be valid to monitor for releases after July 1, 2020;

5. Vapor monitoring (10 CSR 26-2.043 subsection (1)(F)) will no longer be valid to monitor for releases after July 1, 2020, if used with an added tracer chemical and listed by the National Work Group on Leak Detection Evaluations as a tank tightness test; and

6. Tanks installed after July 1, 2017, must be monitored for leaks at least every thirty (30) days in accordance with 10 CSR 26-2.043(H);

(B) Piping. Underground piping that routinely contains regulated substances must be monitored for releases in a manner that meets one (1) of the following requirements:

1. Pressurized piping. Underground piping that conveys regulated substances under pressure must—

A. Be equipped with an automatic line leak detector in 10 CSR 26-2.044(1)(A); *[and]*

B. Have an annual line tightness test conducted in accordance with 10 CSR 26-2.044(1)(B) or have monthly monitoring conducted in accordance with 10 CSR 26-2.044(1)(C); and

C. New or replaced piping installed after July 1, 2017, must be monitored for releases at least every thirty (30) days in accordance with 10 CSR 26-2.043 subsection (1)(H);

2. Suction piping. Underground piping that conveys regulated substances under suction must either have a line tightness test conducted at least every three (3) years and in accordance with 10 CSR 26-2.044(1)(B) or use a monthly monitoring method conducted in accordance with 10 CSR 26-2.044(1)(C). **New or replaced piping installed after July 1, 2017, must be monitored for releases at least every thirty (30) days in accordance with 10 CSR 26-2.043 subsection (1)(H).** No release detection is required for suction piping that is designed and constructed to meet the following standards:

A. The below-grade piping operates at less than atmospheric pressure;

B. The below-grade piping is sloped so that the contents of the pipe will drain back into the storage tank if the suction is released;

C. Only one (1) check valve is included in each suction line;

D. The check valve is located directly below and as close as practical to the suction pump; and

E. A method is provided that allows compliance with subparagraphs (1)(B)2.A.-D. of this rule to be readily determined (for

example, the check valve can be visually inspected); and

3. Gravity piping and remote fill piping are exempt from the piping line leak detection requirements in this section/./; and

4. Underground bulk piping associated with airport hydrant fuel distribution systems and field-constructed tanks must meet one (1) of the following release detection requirements:

A. The requirements in subsection (B) of this section; or

B. The alternative release detection requirements in 10 CSR 26-2.047;

C. Underground bulk piping installed after July 1, 2017, must meet the requirements in paragraph 1. or 2. of this subsection.

(2) High-throughput Facilities. In addition to the requirements outlined in section (1) of this rule, any owner of a tank or a multi-tank connected or manifolded system that dispenses more than eight hundred thousand (800,000) gallons of any regulated substance in one (1) calendar month must use at least one (1) of the following tank system release detection methods:

(B) Vapor monitoring, including introduced chemical marker monitoring, [approved] listed by the National Work Group [for] on Leak Detection Evaluations (NWGLDE) for the substance stored at least once every fifteen (15) days. To obtain copies of equipment [certifications] listings, contact the National Work Group [for] on Leak Detection Evaluations, www.nwglde.org; or

(C) Continuous in-tank release detection, which must include continual reconciliation of tank system inventory. Standard statistical inventory control is not acceptable. The method used must meet criteria established by the National Work Group [for] on Leak Detection Evaluations (NWGLDE) for continuous in-tank leak detection methods. To obtain copies of equipment [certifications] listings, contact the National Work Group [for] on Leak Detection Evaluations, www.nwglde.org; or

AUTHORITY: sections 319.105 and 319.107, RSMo 2000, and section 319.137, RSMo Supp. [2010] 2013. This rule originally filed as 10 CSR 20-10.041. Original rule filed April 2, 1990, effective Sept. 28, 1990. Moved and amended: Filed April 15, 2011, effective Dec. 30, 2011. Amended: Filed Aug. 15, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate. The public entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

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Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on October 27, 2016. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on October 27, 2016. Email comments shall be sent to heather.peters@dnr.mo.gov. Please direct all inquiries to the Rules

Coordinator of the Hazardous Waste Program, at 1730 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 26—Petroleum and Hazardous Substance
Storage Tanks
Chapter 2—Underground Storage Tanks—Technical
Regulations

PROPOSED AMENDMENT

10 CSR 26-2.042 Requirements for Hazardous Substance Underground Storage Tank Systems. The commission is proposing to amend section (1) of this rule and adding a new section (3).

PURPOSE: There are two (2) primary purposes for this rulemaking. The first is to open UST rules in Title 10, Division 26 of the *Code of State Regulations* to make the necessary changes required by the U.S. Environmental Protection Agency (EPA). The 2005 Energy Policy Act required either financial responsibility for UST installers and manufacturers or secondary containment for all new systems. In addition, last October, EPA adopted changes to the federal UST regulations that need to be incorporated into state regulation. This rulemaking will make the necessary changes to comply with these EPA grant requirements and to incorporate the changes made to the federal regulations.

The second reason is to incorporate state-specific changes. The proposed changes would better ensure that old tanks are still functional enough to remain in use. The changes would better prevent and detect leaks and incorporate new technologies. The department will also take this opportunity to clarify ambiguous or confusing language and update industry standard referenced in the regulations.

(1) Owners and operators of in-use hazardous substance underground storage tank (UST) systems must use a release detection method that meets the requirements of 10 CSR 26-2.041 and **10 CSR 26-2.043 subsection (1)(H), except for the electronic monitoring requirement in 10 CSR 26-2.043 paragraph (1)(H)2. with approval from the department.**

(3) **All new or replaced hazardous substance UST systems installed after July 1, 2017, must also comply with the containment sump testing requirements in 10 CSR 26-2.035.**

AUTHORITY: sections 319.105 and 319.107, RSMo 2000, and section 319.137, RSMo Supp. [2010] 2013. This rule originally filed as 10 CSR 20-10.042. Original rule filed April 2, 1990, effective Sept. 28, 1990. Moved and amended: Filed April 15, 2011, effective Dec. 30, 2011. Amended: Filed Aug. 15, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate. The public entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

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Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 26—Petroleum and Hazardous Substance
Storage Tanks
Chapter 2—Underground Storage Tanks—Technical
Regulations

PROPOSED AMENDMENT

10 CSR 26-2.043 Methods of Release Detection for Tanks. The commission is proposing to amend section (1) of this rule and add a new section (2).

PURPOSE: There are two (2) primary purposes for this rulemaking. The first is to open UST rules in Title 10, Division 26 of the Code of State Regulations to make the necessary changes required by the U.S. Environmental Protection Agency (EPA). The 2005 Energy Policy Act required either financial responsibility for UST installers and manufacturers or secondary containment for all new systems. In addition, last October, EPA adopted changes to the federal UST regulations that need to be incorporated into state regulation. This rulemaking will make the necessary changes to comply with these EPA grant requirements and to incorporate the changes made to the federal regulations.

The second reason is to incorporate state-specific changes. The proposed changes would better ensure that old tanks are still functional enough to remain in use. The changes would better prevent and detect leaks, establish clearer and more detailed leak detection system requirements, and incorporate new technologies. The department will also take this opportunity to clarify ambiguous or confusing language and update industry standard referenced in the regulations.

(1) Methods of release detection for underground storage tanks (USTs) used to meet the requirements in 10 CSR 26-2.041 must be conducted as follows:

(B) Statistical Inventory Reconciliation (SIR), which is a statistical inventory analysis method that tests for the loss of a regulated substance. SIR must meet the following requirements:

1. Report a quantitative result with a calculated leak rate;

[1.]2. Be able to detect a two-tenths (0.2) gallon-per-hour leak rate from any portion of the tank system that routinely contains a regulated substance;

[2.]3. Must be conducted for each independent tank system;

[3.]4. Be done in conjunction with inventory control that meets the requirements in 10 CSR 26-2.043(1)(A); *and*

5. Use a threshold that does not exceed one-half (1/2) the minimum detectible leak rate;

[4.]6. Be conducted in accordance with the National Work Group on Leak Detection Evaluations *[certification]* listing and the manufacturer's requirements. To obtain copies of equipment *[certifications]* listings, contact the National Work Group *[for]* on Leak Detection Evaluations, www.nwglde.org; **and**

[5. Owners and operators must maintain all supporting data, including regulated substance and water stick read-

ings, for at least twelve (12) months.]

[6.]7. The SIR analysis report must *[be completed and sent to the owner or operator within fifteen (15) days of the end of each calendar month;]* **include the daily data, inventory measurements of the regulated substance and water, delivery data, and analysis or reporting date;**

(C) Manual Tank Gauging. Manual tank gauging must meet the following requirements:

1. Tank liquid level measurements are taken at the beginning and ending of a period of at least thirty-six (36) hours during which no liquid is added to or removed from the tank;

2. Level measurements are based on an average of two (2) consecutive stick readings at both the beginning and ending of the period;

3. The equipment used is capable of measuring the level of regulated substance over the full range of the tank's height to the nearest one-eighth inch (1/8");

4. A leak is suspected and subject to the requirements of 10 CSR 26-2.050–10 CSR 26-2.053 if the variation between beginning and ending measurements exceeds the following weekly or monthly standards:

A. Tanks of five hundred fifty (550)-gallon capacity or less are allowed a weekly standard of ten (10) gallons per reading and a monthly average of five (5) gallons per reading, **with a minimum test duration of thirty-six (36) hours;**

B. Five hundred fifty-one to one thousand (551–1,000)-gallon capacity tanks are allowed a difference of thirteen (13) gallons per week and a monthly average of seven (7) gallons, **with a minimum test duration of thirty-six (36) hours, and when combined with a tank tightness test in accordance with subsection (D) of this section;**

C. One thousand one to two thousand (1,001–2,000)-gallon capacity tanks are allowed a difference of twenty-six (26) gallons per week and a monthly average of thirteen (13) gallons, **with a minimum test duration of thirty-six (36) hours, and when combined with a tank tightness test in accordance with subsection (D) of this section;**

D. Five hundred fifty-one to one thousand (551–1,000)-gallon capacity tanks with *[dimensions]* a diameter no greater than sixty-four inches (64") *[by seventy-three (64"x73")]* are allowed a difference of nine (9) gallons per week and monthly average of four (4) gallons, provided that a period of at least forty-four (44) hours during which no liquid is added to or removed from the tank is allowed to pass between tank liquid level measurements, **without requiring an additional tank tightness test; and**

E. *[One thousand (1,000)-gallon capacity tanks with dimensions of]* **Five hundred fifty-one to one thousand (551–1,000)-gallon capacity tanks with a diameter no greater than forty-eight inches [by one hundred twenty-eight inches (48"x28")] (48")** are allowed a difference of twelve (12) gallons per week and a monthly average of six (6) gallons, provided that a period of at least fifty-eight (58) hours during which no liquid is added to or removed from the tank is allowed to pass between tank liquid level measurements, **without requiring an additional tank tightness test; and**

[5. Use of manual tank gauging must comply with the following size restrictions:

A. Tanks of five hundred fifty (550) gallons or less nominal capacity may use this as the sole method of release detection;

B. Tanks of five hundred fifty-one to one thousand (551–1,000)-gallon capacity with dimensions no greater than sixty-four by seventy-three inches (64"x73") and tanks of one thousand (1,000)-gallon capacity with dimensions of forty-eight inches by one hundred twenty-eight inches (48"x128") may use this as the sole method of release detection;

C. Tanks of five hundred fifty-one to two thousand

(551-2,000) gallons may use the method in place of inventory control in 10 CSR 26-2.043(1)(A); and]

[D./F. Tanks of greater than two thousand (2,000) gallons nominal capacity may not use this method for release detection;

(E) Automatic Tank Gauging. Equipment for automatic tank gauging that tests for the loss of regulated substance and conducts inventory control must meet the following requirements:

1. The automatic regulated substance level monitor test can detect a two-tenths (0.2)-gallon-per-hour leak rate from any portion of the tank that routinely contains a regulated substance; *[and]*

2. The test must be performed with the system operating in one of the following modes:

A. In-tank static testing conducted at least once every thirty (30) days; or

B. Continuous in-tank leak detection operating on an uninterrupted basis or operating within a process that allows the system to gather incremental measurements to determine the leak status of the tank at least once every thirty (30) days; and

[2./3. Inventory control (or equivalent test) meeting the requirements in 10 CSR 26-2.043(1)(A) is conducted;

(F) Vapor Monitoring. Testing or monitoring for vapors within the soil gas of the excavation zone must meet the following requirements:

1. The materials used as backfill are sufficiently porous and permeable (for example, gravel, sand, or crushed rock) to readily allow diffusion of vapors from releases into the excavation area;

2. The stored regulated substance, or a tracer compound placed in the tank system, is sufficiently volatile (for example, gasoline) to result in a vapor level that is detectable by the monitoring devices located in the excavation zone in the event of a release from the tank;

3. The measurement of vapors by the monitoring device is not rendered inoperative by the groundwater, rainfall, or soil moisture or other known interferences so that a release could go undetected for more than thirty (30) days;

4. The level of background contamination in the excavation zone will not interfere with the method used to detect releases from the tank;

5. The vapor monitors are designed and operated to detect any significant increase in concentration above background of the regulated substance stored in the tank system, a component(s) of that substance, or a tracer compound placed in the tank system;

6. In the UST excavation zone, the site is assessed to ensure compliance with the requirements in paragraphs (1)(F)1.-4. of this rule and to establish the number and positioning of monitoring wells that will detect releases within the excavation zone from any portion of the tank that routinely contains a regulated substance; *[and]*

7. Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering; **and**

8. After July 1, 2020, use a tracer chemical and the method is listed by the National Work Group on Leak Detection Evaluations as a tank tightness test;

(G) Groundwater Monitoring. Testing or monitoring for liquids on the groundwater **may only be used as a release detection method until July 1, 2020, and** must meet the following requirements:

1. The regulated substance stored is immiscible in water and has a specific gravity of less than one (1);

2. The groundwater is within twenty feet (20') from the ground surface and the hydraulic conductivity of the soil(s) between the UST system and the monitoring wells or devices is at least one hundredth centimeter per second (0.01 cm/sec) (for example, the soil should consist of gravels, coarse to medium sands, coarse silts, or other permeable materials);

3. The slotted portion of the monitoring well casing must be designed to prevent migration of natural soils or filter pack into the well and to allow entry of regulated substance on the water table into the well under both high and low groundwater conditions;

4. Monitoring wells shall be sealed from the ground surface to the top of the filter pack;

5. Monitoring wells or devices shall intercept the excavation

zone or are as close to it as is technically feasible;

6. The continuous monitoring devices or manual methods used can detect the presence of at least one-eighth inch (1/8") of free product on top of the groundwater in the monitoring wells;

7. The site is assessed within and immediately below the UST system excavation zone to ensure compliance with the requirements in paragraphs (1)(G)1.-5. of this rule. The site assessment also establishes the number and positioning of monitoring wells or devices that will detect releases from any portion of the tank that routinely contains a regulated substance; **and**

8. Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering;

(H) Interstitial Monitoring. Interstitial monitoring *[between the UST system and a secondary barrier immediately around or beneath it may be used, but only if the system is designed, constructed, and]* **must monitor between the walls of a double-walled tank or, for piping, is designed to detect a release from the primary piping, including all fittings, and contain it until it can be detected. The entire piping secondary containment must be leak tight. Interstitial monitoring must be installed to detect a leak from any portion of the tank that routinely contains a regulated substance and also meets [one (1) of] the following requirements:**

[1. For double-walled UST systems, the sampling or testing method can detect a release through the inner wall in any portion of the tank that routinely contains a regulated substance;

2. For UST systems with a secondary barrier within the excavation zone, the sampling or testing method used can detect a release between the UST system and the secondary barrier.

A. The secondary barrier around or beneath the UST system consists of artificially constructed material that is sufficiently thick and impermeable (less than one millionth centimeter per second (10^{-6} cm/sec) for the regulated substance stored) to direct a release to the monitoring point and permits its detection.

B. The barrier is compatible with the regulated substance stored so that a release from the UST system will not cause a deterioration of the barrier allowing a release to pass through undetected.

C. For cathodically protected tanks the secondary barrier must be installed so that it does not interfere with the proper operation of the cathodic protection system.]

[D./1. The groundwater, soil moisture, or rainfall will not render the testing or sampling method used inoperative so that a release could go undetected for more than thirty (30) days;

[E. The site is assessed to ensure that the secondary barrier is always above the groundwater and not in a twenty-five (25)-year flood plain, unless the barrier and monitoring designs are for use under these conditions.

F. Monitoring wells are clearly marked and secured to avoid unauthorized access tampering;

3. For tanks with an internally fitted liner, an automated device can detect a release between the inner wall of the tank and the liner is compatible with the substance stored; **and**

4. The provisions outlined in the Steel Tank Institute's Standard for Dual Wall Underground Storage Tanks may be used as guidance for aspects of the design and construction of underground steel double-walled tanks; **and]**

2. For new UST systems installed after July 1, 2017, interstitial monitoring must be conducted electronically by a system with a report-generating capability; and

3. For UST systems using continuous vacuum, pressure, or liquid-filled methods of interstitial monitoring, the method must be capable of detecting a breach in both the inner and outer walls of the tank and/or piping; and

(2) Owners and operators of field-constructed or airport hydrant fuel distribution system tanks may not use vapor monitoring or groundwater monitoring, described in subsections (F) and (G) of this rule as their sole method of detection, but may use them in conjunction with 10 CSR 26-2.046.

AUTHORITY: sections 319.105 and 319.107, RSMo 2000, and section 319.137, RSMo Supp. [2010] 2013. This rule originally filed as 10 CSR 20-10.043. Original rule filed April 2, 1990, effective Sept. 28, 1990. Amended: Filed Aug. 3, 1993, effective April 9, 1994. Moved and amended: Filed April 15, 2011, effective Dec. 30, 2011. Amended: Filed Aug. 15, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate. The public entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on October 20, 2016, at the Elm Street Conference Center, 1730 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on October 27, 2016. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on October 27, 2016. Email comments shall be sent to heather.peters@dnr.mo.gov. Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1730 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 26—Petroleum and Hazardous Substance
Storage Tanks
Chapter 2—Underground Storage Tanks—Technical
Regulations

PROPOSED AMENDMENT

10 CSR 26-2.044 Methods of Release Detection for Piping. The commission is proposing to amend section (1) of this rule.

PURPOSE: There are two (2) primary purposes for this rulemaking. The first is to open UST rules in Title 10, Division 26 of the **Code of State Regulations** to make the necessary changes required by the U.S. Environmental Protection Agency (EPA). The 2005 Energy Policy Act required either financial responsibility for UST installers and manufacturers or secondary containment for all new systems. In addition, last October, EPA adopted changes to the federal UST regulations that need to be incorporated into state regulation. This rulemaking will make the necessary changes to comply with these EPA grant requirements and to incorporate the changes made to the federal regulations.

The second reason is to incorporate state-specific changes. The

proposed changes would better ensure that old tanks are still functional enough to remain in use. The changes would better prevent and detect leaks, establish clearer and more detailed release detection system requirements, and incorporate new technologies. The department will also take this opportunity to clarify ambiguous or confusing language and update industry standard referenced in the regulations.

(1) Each method of release detection for piping used to meet the requirements of release detection for underground storage tanks (USTs) in 10 CSR 26-2.041 must be conducted in the following manner:

(A) Automatic Line Leak Detectors. Methods which alert the operator to the presence of a leak by restricting or shutting off the flow of regulated substances through piping or triggering an audible or visual alarm may be used only if they detect leaks of three (3) gallons per hour at ten (10) pounds per square-inch line pressure within one (1) hour and are [certified] listed by the National Work Group on Leak Detection Evaluations. To obtain copies of equipment [certifications] listings, contact the National Work Group [for] on Leak Detection Evaluations, www.nwglde.org. A test of the operation of the leak detector must be conducted at least annually. The annual test must be conducted in accordance with the manufacturer's approved testing procedures[.] and simulate a leak of at least three (3) gallons per hour at ten (10) pounds per square inch pressure, or equivalent, in the system under normal operating conditions.

1. Line leak detectors must monitor all pressurized piping, including pressurized piping beyond the first or master dispenser but not including other piping above the shear valve inside the dispenser or dispenser hoses to the nozzle[.];

[2. Line leak detector operability test reports must include facility name and address, line leak detector manufacturer, model and serial number, if legible, testing date, test method, technician name and affiliation, and a certification of results;]

(C) Applicable Tank Methods. Any of the methods in 10 CSR 26-2.043(1)(B) and (F)-(I) may be used if they are designed to detect a release from any portion of the underground piping that routinely contains regulated substances[; and] except—

1. Owners and operators of piping greater than fifty thousand (50,000) gallons associated with field-constructed tanks or airport hydrant fuel distribution system tanks may comply with 10 CSR 26-2.074 in lieu of the methods of piping leak detection in this rule;

2. Groundwater monitoring (10 CSR 26-2.043 subsection (1)(G)) can no longer be used after July 1, 2020; and

3. Vapor monitoring (10 CSR 26-2.043 subsection (1)(F)) can no longer be used after July 1, 2020, unless with an added tracer chemical and listed by the National Work Group on Leak Detection Evaluations as a tightness test; and

AUTHORITY: sections 319.105 and 319.107, RSMo 2000, and section 319.137, RSMo Supp. [2010] 2013. This rule originally filed as 10 CSR 20-10.044. Original rule filed April 2, 1990, effective Sept. 28, 1990. Moved and amended: Filed April 15, 2011, effective Dec. 30, 2011. Amended: Filed Aug. 15, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate. The public entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission

will hold a public hearing on this rule action and others beginning at 10:00 a.m. on October 20, 2016, at the Elm Street Conference Center, 1730 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on October 27, 2016. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on October 27, 2016. Email comments shall be sent to heather.peters@dnr.mo.gov. Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1730 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 26—Petroleum and Hazardous Substance
Storage Tanks
Chapter 2—Underground Storage Tanks—Technical Regulations

PROPOSED AMENDMENT

[10 CSR 26-2.045] **10 CSR 26-2.048 Release Detection Record Keeping.** The commission is proposing to move the rule and amend section (1) of this rule.

PURPOSE: There are two (2) primary purposes for this rulemaking. The first is to open UST rules in Title 10, Division 26 of the *Code of State Regulations* to make the necessary changes required by the U.S. Environmental Protection Agency (EPA). The 2005 Energy Policy Act required either financial responsibility for UST installers and manufacturers or secondary containment for all new systems. In addition, last October, EPA adopted changes to the federal UST regulations that need to be incorporated into state regulation. This rulemaking will make the necessary changes to comply with these EPA grant requirements and to incorporate the changes made to the federal regulations.

The second reason is to incorporate state-specific changes. The proposed changes would better ensure that old tanks are still functional enough to remain in use. The changes would better prevent and detect leaks, incorporate new technologies and update the release detection recordkeeping requirements. The department will also take this opportunity to clarify ambiguous or confusing language and update industry standard referenced in the regulations.

(1) All underground storage tank (UST) system owners and operators must maintain records in 10 CSR 26-2.034 demonstrating compliance with applicable release detection requirements in 10 CSR 26-2.040–10 CSR 26-2.04/5/8. These records must include the following:

(A) All written performance claims of any release detection system used, and the manner in which these claims have been justified or tested by the equipment manufacturer or installer, must be *[maintained]* **retained** for five (5) years **from the date of equipment installation** or for another reasonable period of time determined by the department *[from the date of installation]*;

(B) The results of any sampling, testing, or monitoring must be *[maintained]* **retained** for at least one (1) year, or for another reasonable period of time determined by the department, except that—

1. *[t]*The results of tank tightness testing conducted in accordance with 10 CSR 26-2.043(1)(D) must be retained until the next test is conducted; and

2. **The results of annual operability tests of release detection**

equipment must be retained until the next test is performed; and

(C) Written documentation of all calibration, maintenance, and repair of release detection equipment permanently located on-site must be *[maintained]* **retained** for at least one (1) year after the servicing work is completed. Any schedules of required calibration and maintenance provided by the release detection equipment manufacturer must be retained for five (5) years from the date of installation.

AUTHORITY: sections 319.105 and 319.107, RSMo 2000, and section 319.137, RSMo Supp. [2010] **2013**. This rule originally filed as 10 CSR 20-10.045. Original rule filed April 2, 1990, effective Sept. 28, 1990. Moved and amended: Filed April 15, 2011, effective Dec. 30, 2011. Amended: Filed Aug. 15, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate. The public entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

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Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 26—Petroleum and Hazardous Substance
Storage Tanks
Chapter 2—Underground Storage Tanks—Technical Regulations

PROPOSED RULE

10 CSR 26-2.046 Alternative Methods of Release Detection for Field-Constructed Tanks

PURPOSE: This rule contains the new options for release detection for the previously deferred field-constructed tanks and airport hydrant fuel distribution systems.

(1) Owners and operators of field-constructed tanks with a capacity greater than fifty thousand (50,000) gallons may use one (1) or a combination of the following alternative methods of release detection:

(A) Conduct an annual tank tightness test that can detect a one-half (0.5) gallon per hour leak rate;

(B) Use an automatic tank gauging system to perform release

detection at least every thirty (30) days that can detect a leak rate less than or equal to one (1) gallon per hour. This method must be combined with a tank tightness test that can detect a two-tenths (0.2) gallon per hour leak rate performed at least every three (3) years;

(C) Use an automatic tank gauging system to perform release detection at least every thirty (30) days that can detect a leak rate less than or equal to two (2) gallons per hour. This method must be combined with a bulk tank tightness test that can detect a two-tenths (0.2) gallon per hour leak rate performed at least every two (2) years;

(D) Perform vapor monitoring, with an added tracer chemical, conducted in accordance with 10 CSR 26-2.043 subsection (1)(F), capable of detecting a one-tenth (0.1) gallon per hour leak rate at least every two (2) years;

(E) Perform inventory control, conducted in accordance with Department of Defense Directive 4140.25; *ATA Airport Fuel Facility Operations and Maintenance Guidance Manual*, at least every thirty (30) days that can detect a leak equal to or less than one-half percent (0.5%) of flow-through. When using this method, the following must also be met:

1. Perform a tank tightness test that can detect a one-half (0.5) gallon per hour leak rate at least every two (2) years; or

2. Perform vapor monitoring or groundwater monitoring in accordance with 10 CSR 26-2.043 subsection (1)(F) or (G), respectively, at least every thirty (30) days; and

(F) Another method approved by the department if the owner and operator can demonstrate that the method can detect a release as effectively as any of the methods allowed in subsections (A) through (C) of this section. In comparing methods, the department shall consider the size of release that the method can detect and the frequency and reliability of detection. If the method is approved, the owner and operator must comply with any conditions imposed by the department on its use.

AUTHORITY: sections 319.105 and 319.107, RSMo 2000, and section 319.137, RSMo Supp. 2015. Original rule filed Aug. 15, 2016.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate. The public entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on June 16, 2011, at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on June 23, 2011. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on June 23, 2011. Email comments shall be sent to heather.peters@dnr.mo.gov. Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1738 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 26—Petroleum and Hazardous Substance
Storage Tanks
Chapter 2—Underground Storage Tanks—Technical Regulations

PROPOSED RULE

10 CSR 26-2.047 Alternative Methods of Release Detection for Bulk Underground Piping

PURPOSE: This rule contains the new options for release detection for the previously deferred field-constructed tanks and airport hydrant fuel distribution piping systems.

(1) Owners and operators of bulk underground piping associated with any airport hydrant fuel distribution systems and field-constructed tanks greater than fifty thousand (> 50,000) gallons may use one (1) or a combination of the following alternative methods of release detection:

(A) Perform a biannual or annual bulk line tightness test at or above operating pressure in accordance with the table below. Bulk piping segments greater than or equal to one hundred thousand ($\geq 100,000$) gallons not capable of meeting the maximum three (3.0) gallons per hour leak rate for the biannual test may be tested at a leak rate up to six (6.0) gallons per hour:

Maximum Detectable Leak Rate Per Test Section Volume		
Test Section Volume (Gallons)	Biannual Test Maximum Detectable Leak Rate (Gallons Per Hour)	Annual Test Maximum Detectable Leak Rate (Gallons Per Hour)
< 50,000	1.0	0.5
$\geq 50,000$ to < 75,000	1.5	0.75
$\geq 75,000$ to < 100,000	2.0	1.0
$\geq 100,000$	3.0	1.5

(B) Perform vapor monitoring, with an added tracer chemical, conducted in accordance with 10 CSR 26-2.043(F), capable of detecting a one-tenth (0.1) gallon per hour leak rate at least every two (2) years;

(C) Perform inventory control, conducted in accordance with Department of Defense Directive 4140.25; *ATA Airport Fuel Facility Operations and Maintenance Guidance Manual*, at least every thirty (30) days that can detect a leak equal to or less than one-half percent (0.5%) of flow-through. When using this method, the following must also be met:

1. Perform a line tightness test in accordance with the biannual test threshold in subsection (A) of this section at least every two (2) years; or

2. Perform vapor monitoring or groundwater monitoring in accordance with 10 CSR 26-2.043 subsection (1)(F) or (G), respectively, at least every thirty (30) days;

(D) Another method approved by the department if the owner and operator can demonstrate that the method can detect a release as effectively as any of the methods allowed in subsections (A) through (C). In comparing methods, the department shall consider the size of release that the method can detect and the frequency and reliability of detection. If the method is approved, the owner and operator must comply with any conditions imposed by the department on its use.

AUTHORITY: sections 319.105 and 319.107, RSMo 2000, and section 319.137, RSMo Supp. 2015. Original rule filed Aug. 15, 2016.

PUBLIC COST: This proposed rule will not cost state agencies or

political subdivisions more than five hundred dollars (\$500) in the aggregate. The public entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

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Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 26—Petroleum and Hazardous Substance
Storage Tanks
Chapter 2—Underground Storage Tanks—Technical
Regulations

PROPOSED AMENDMENT

10 CSR 26-2.050 Reporting of Suspected Releases. The commission is proposing to amend section (1) of this rule.

PURPOSE: There are two (2) primary purposes for this rulemaking. The first is to open UST rules in Title 10, Division 26 of the *Code of State Regulations* to make the necessary changes required by the U.S. Environmental Protection Agency (EPA). The 2005 Energy Policy Act required either financial responsibility for UST installers and manufacturers or secondary containment for all new systems. In addition, last October, EPA adopted changes to the federal UST regulations that need to be incorporated into state regulation. This rulemaking will make the necessary changes to comply with these EPA grant requirements and to incorporate the changes made to the federal regulations.

The second reason is to incorporate state-specific changes. The proposed changes would better ensure that old tanks are still functional enough to remain in use. The changes would better prevent and detect leaks and incorporate new technologies. The department will also take this opportunity to clarify ambiguous or confusing language and update industry standard referenced in the regulations.

(1) Owners and operators of underground storage tank (UST) systems must report to the department within twenty-four (24) hours and follow the procedures for release investigation and confirmation in 10 CSR 26-2.052 upon discovery of one (1) or more of the following conditions:

(B) Unusual operating conditions observed by owners and operators (such as the erratic behavior of product dispensing equipment, the sudden loss of a regulated substance from the UST system, an unexplained presence of water in the tank, **liquid in the interstitial space of secondarily contained systems**, or visible leaks from aboveground piping or ancillary equipment connected to a UST), unless system equipment is found to be defective but not *[leaking]*

releasing regulated substance from the UST system and is immediately repaired or replaced; or

(C) Monitoring results, including investigations of leak alarms, from a release detection method required under 10 CSR 26-2.041 [and] through 10 CSR 26-2.042/27 that indicate a release may have occurred unless—

1. The monitoring device is found to be defective and is immediately repaired, recalibrated, or replaced and additional monitoring does not confirm the initial result; or

2. The leak alarm was investigated and determined to have been caused by an event other than a release (for example, a power surge or delivery to the tank during release detection testing); or

[2.]3. In the case of inventory control, a second month of data does not confirm the initial result.

AUTHORITY: section 319.109, RSMo Supp. [2010] 2013. This rule originally filed as 10 CSR 20-10.050. Original rule filed April 2, 1990, effective Sept. 28, 1990. Moved and amended: Filed April 15, 2011, effective Dec. 30, 2011. Amended: Filed Aug. 15, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate. The public entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

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Title 10—DEPARTMENT OF NATURAL RESOURCES
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Storage Tanks
Chapter 2—Underground Storage Tanks—Technical
Regulations

PROPOSED AMENDMENT

10 CSR 26-2.052 Release Investigation and Confirmation Steps. The commission is proposing to amend section (1) of this rule.

PURPOSE: There are two (2) primary purposes for this rulemaking. The first is to open UST rules in Title 10, Division 26 of the *Code of State Regulations* to make the necessary changes required by the U.S. Environmental Protection Agency (EPA). The 2005 Energy

Policy Act required either financial responsibility for UST installers and manufacturers or secondary containment for all new systems. In addition, last October, EPA adopted changes to the federal UST regulations that need to be incorporated into state regulation. This rule-making will make the necessary changes to comply with these EPA grant requirements and to incorporate the changes made to the federal regulations.

The second reason is to incorporate state-specific changes. The proposed changes would better ensure that old tanks are still functional enough to remain in use. The changes would better prevent and detect leaks, outline the requirements for responding to suspected releases, and incorporate new technologies. The department will also take this opportunity to clarify ambiguous or confusing language and update industry standard referenced in the regulations.

(1) Unless corrective action is initiated in accordance with 10 CSR 26-2.070–10 CSR 26-2.083, owners and operators must immediately investigate and confirm all suspected releases of regulated substances requiring reporting under 10 CSR 26-2.050 within seven (7) days or another reasonable time period specified by the department using either the following steps or another procedure approved by the department:

(A) System Test. Owners and operators must conduct tests *[(tightness testing of tanks in 10 CSR 26-2.043(1)(D) and piping in 10 CSR 26-2.044(1)(B))]* appropriate for the suspected release, using tightness tests listed by the National Work Group on Leak Detection Evaluations and/or approved by the department, or for containment sumps, a test method included in 10 CSR 26-2.035, to determine whether a leak exists in that portion of the tank system that routinely contains a regulated substance *[or the attached delivery piping]* or *[both]* a breach of the interstitial space has occurred. To obtain copies of equipment listings, contact the National Work Group on Leak Detection Evaluations, www.nwglde.org.

1. If the system test confirms a leak into the interstice or a release, *[O]*owners and operators must repair, replace, *[or]* upgrade, or close the underground storage tank (UST) system~~], and].~~ Owners and operators must begin a site check in accordance with subsection (1)(B) and corrective action in accordance with 10 CSR 26-2.070–10 CSR 26-2.083 if the test results for the system, tank, or delivery piping indicate that a *[leak]* release *[exists]* has occurred.

2. Further investigation is not required if the test results for the system, tank, and delivery piping do not indicate that a *[leak]* release exists and if environmental contamination is not the basis for suspecting a release.

3. Owners and operators must conduct a site check as described in subsection (1)(B) of this rule if the test results for the system, tank, and delivery piping do not indicate that a leak exists but environmental contamination is the basis for suspecting a release; or

AUTHORITY: sections 319.105 and 319.107, RSMo 2000, and sections 319.109 and 319.137, RSMo Supp. [2010] 2013. This rule originally filed as 10 CSR 20-10.052. Original rule filed April 2, 1990, effective Sept. 28, 1990. Amended: Filed Aug. 3, 1993, effective April 9, 1994. Moved and amended: Filed April 15, 2011, effective Dec. 30, 2011. Amended: Filed Aug. 15, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate. The public entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:00 a.m. on October 20, 2016, at the Elm Street Conference Center, 1730 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on October 27, 2016. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on October 27, 2016. Email comments shall be sent to heather.peters@dnr.mo.gov. Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1730 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

Title 13—DEPARTMENT OF SOCIAL SERVICES Division 70—MO HealthNet Division Chapter 10—Nursing Home Program

PROPOSED AMENDMENT

13 CSR 70-10.030 Prospective Reimbursement Plan for Nonstate-Operated Facilities for ICF/[MR]/IID Services. The division is amending sections (1)–(7) and adding new subparagraphs (4)(A)1.O. and (4)(A)1.P.

PURPOSE: This amendment changes the terminology of the services addressed in this regulation from “nonstate-operated intermediate care facility/mentally retarded (ICF/MR) services” to “nonstate-operated intermediate care facility for individuals with intellectual disabilities (ICF/IID) services” and provides for trend factors to be applied to adjust per diem rates for nonstate-operated ICF/IID facilities participating in the MO HealthNet program.

PURPOSE: This rule establishes a payment plan for nonstate-operated intermediate care facility/mentally retarded] for individuals with intellectual disabilities services. The plan describes principles to be followed by Title XIX intermediate care facility/mentally retarded] for individuals with intellectual disabilities providers in making financial reports and presents the necessary procedures for setting rates, making adjustments, and auditing the cost reports.

(1) Objectives. This rule establishes a payment plan for nonstate-operated intermediate care facility/mentally retarded] for individuals with intellectual disabilities (ICF/[MR]/IID) services.

(2) General Principles.

(A) The MO HealthNet program shall reimburse qualified providers of ICF/[MR]/IID services based solely on the individual MO HealthNet participant’s days of care (within benefit limitations) multiplied by the facility’s Title XIX per diem rate less any payments made by participants.

(B) Effective November 1, 1986, the Title XIX per diem rate for all ICF/[MR]/IID facilities participating on or after October 31, 1986, shall be the lower of—

1. The average private pay charge;
2. The Medicare per diem rate, if applicable;
3. The rate paid to a facility on October 31, 1986, as adjusted by updating its base year to its 1985 fiscal year. Facilities which do not have a full twelve- (12-) month 1985 fiscal year shall not have their base years updated to their 1985 fiscal years. Changes in ownership, management, control, operation, leasehold interests by whatever form

for any facility previously certified for participation in the MO HealthNet program at any time that results in increased capital costs for the successor owner, management, or leaseholder shall not be recognized for purposes of reimbursement; and

4. However, any provider who does not have a rate on October 31, 1986, and whose facility meets the definition in subsection (3)(J) of this rule, will be exempt from paragraph (2)(B)3., and the rate shall be determined in accordance with applicable provisions of this rule.

(3) Definitions.

(H) ICF//MR/IID. Nonstate-operated facilities certified to provide intermediate care for *[the mentally retarded]* **individuals with intellectual disabilities** under the Title XIX program.

(L) Providers. A provider under the Prospective Reimbursement Plan is a nonstate-operated ICF//MR/IID facility with a valid participation agreement, in effect on or after October 31, 1986, with the Missouri Department of Social Services for the purpose of providing long-term care (LTC) services to Title XIX-eligible participants. Facilities certified to provide intermediate care services to *[the mentally retarded]* **individuals with intellectual disabilities** under the Title XIX program may be offered a MO HealthNet participation agreement on or after January 1, 1990, only if 1) the facility has no more than fifteen (15) beds for *[mentally retarded residents]* **individuals with intellectual disabilities**, and 2) there is no other licensed residential living facility for *[mentally retarded]* **individuals with intellectual disabilities** within a radius of one-half (1/2) mile of the facility seeking participation in the MO HealthNet program.

(4) Prospective Reimbursement Rate Computation.

(A) Except in accordance with other provisions of this rule, the provisions of this section shall apply to all providers of ICF//MR/IID services certified to participate in Missouri's MO HealthNet program.

1. ICF//MR/IID facilities.

A. Except in accordance with other provisions of this rule, the MO HealthNet program shall reimburse providers of these LTC services based on the individual MO HealthNet-participant days of care multiplied by the Title XIX prospective per diem rate less any payments collected from participants. The Title XIX prospective per diem reimbursement rate for the remainder of state Fiscal Year 1987 shall be the facility's per diem reimbursement payment rate in effect on October 31, 1986, as adjusted by updating the facility's allowable base year to its 1985 fiscal year. Each facility's per diem costs as reported on its Fiscal Year 1985 Title XIX cost report will be determined in accordance with the principles set forth in this rule. If a facility has not filed a 1985 fiscal year cost report, the most current cost report on file with the department will be used to set its per diem rate. Facilities with less than a full twelve- (12-) month 1985 fiscal year will not have their base year rates updated.

B. For state FY-88 and dates of service beginning July 1, 1987, the negotiated trend factor shall be equal to two percent (2%) to be applied in the following manner: Two percent (2%) of the average per diem rate paid to both state- and nonstate-operated ICF//MR/IID facilities on June 1, 1987, shall be added to each facility's rate.

C. For state FY-89 and dates of service beginning January 1, 1989, the negotiated trend factor shall be equal to one percent (1%) to be applied in the following manner: One percent (1%) of the average per diem rate paid to both state- and nonstate-operated ICF//MR/IID facilities on June 1, 1988, shall be added to each facility's rate.

D. For state FY-91 and dates of service beginning July 1, 1990, the negotiated trend factor shall be equal to one percent (1%) to be applied in the following manner: One percent (1%) of the average per diem rate paid to both state- and nonstate-operated ICF//MR/IID facilities on June 1, 1990, shall be added to each facility's rate.

ity's rate.

E. FY-96 negotiated trend factor. All nonstate-operated ICF//MR/IID facilities shall be granted an increase to their per diem rates effective for dates of service beginning January 1, 1996, of six dollars and seven cents (\$6.07) per patient day for the negotiated trend factor. This adjustment is equal to four and six-tenths percent (4.6%) of the weighted average per diem rates paid to nonstate-operated ICF//MR/IID facilities on June 1, 1995, of one hundred and thirty-one dollars and ninety-three cents (\$131.93).

F. State FY-99 trend factor. All nonstate-operated ICF//MR/IID facilities shall be granted an increase to their per diem rates effective for dates of service beginning July 1, 1998, of four dollars and forty-seven cents (\$4.47) per patient day for the trend factor. This adjustment is equal to three percent (3%) of the weighted average per diem rate paid to nonstate-operated ICF//MR/IID facilities on June 30, 1998, of one hundred forty-eight dollars and ninety-nine cents (\$148.99).

G. State FY-2000 trend factor. All nonstate-operated ICF//MR/IID facilities shall be granted an increase to their per diem rates effective for dates of service beginning July 1, 1999, of four dollars and sixty-three cents (\$4.63) per patient day for the trend factor. This adjustment is equal to three percent (3%) of the weighted average per diem rate paid to nonstate-operated ICF//MR/IID facilities on April 30, 1999, of one hundred fifty-four dollars and forty-three cents (\$154.43). This increase shall only be used for increases for the salaries and fringe benefits for direct care staff and their immediate supervisors.

H. State FY-2001 trend factor. All nonstate-operated ICF//MR/IID facilities shall be granted an increase to their per diem rates effective for dates of service beginning July 1, 2000, of four dollars and eighty-one cents (\$4.81) per patient day for the trend factor. This adjustment is equal to three percent (3%) of the weighted average per diem rate paid to nonstate-operated ICF//MR/IID facilities on April 30, 2000, of one hundred sixty dollars and twenty-three cents (\$160.23). This increase shall only be used for increases for salaries and fringe benefits for direct care staff and their immediate supervisors.

I. State FY-2007 trend factor. All nonstate-operated ICF//MR/IID facilities shall be granted an increase of seven percent (7%) to their per diem rates effective for dates of service billed for state fiscal year 2007 and thereafter. This adjustment is equal to seven percent (7%) of the per diem rate paid to nonstate-operated ICF//MR/IID facilities on June 30, 2006.

J. State FY-2008 trend factor. Effective for dates of service beginning July 1, 2007, all nonstate-operated ICF//MR/IID facilities shall be granted an increase to their per diem rates of two percent (2%) for the trend factor. This adjustment is equal to two percent (2%) of the per diem rate paid to nonstate-operated ICF//MR/IID facilities on June 30, 2007.

K. State FY-2009 trend factor. Effective for dates of service beginning July 1, 2008, all nonstate-operated ICF//MR/IID facilities shall be granted an increase to their per diem rates of three percent (3%) for the trend factor. This adjustment is equal to three percent (3%) of the per diem rate paid to nonstate-operated ICF//MR/IID facilities on June 30, 2008.

L. State FY-2009 catch up increase. Effective for dates of service beginning July 1, 2008, all nonstate-operated ICF//MR/IID facilities shall be granted an increase to their per diem rates of thirteen and ninety-five hundredths percent (13.95%). This adjustment is equal to thirteen and ninety-five hundredths percent (13.95%) of the per diem rate paid to nonstate-operated ICF//MR/IID facilities on June 30, 2008. This increase is intended to provide compensation to providers for the years (2003, 2004, 2005, and 2006) where no trend factor was given. The catch up increase was based on the CMS PPS Skilled Nursing Facility Input Price Index (4 quarter moving average).

M. State FY-2012 trend factor. Effective for dates of service beginning October 1, 2011, all nonstate-operated ICF//MR/IID

facilities shall be granted an increase to their per diem rates of one and four tenths percent (1.4%) for the trend factor. This adjustment is equal to one and four tenths percent (1.4%) of the per diem rate paid to nonstate-operated ICF//MR/IID facilities on September 30, 2011.

N. State FY-2014 trend factor. Effective for dates of service beginning January 1, 2014, all nonstate-operated ICF//MR/IID facilities shall be granted an increase to their per diem rates of three percent (3%) for the trend factor. This adjustment is equal to three percent (3%) of the per diem rate paid to nonstate-operated ICF//MR/IID facilities on December 31, 2013.

O. State FY-2016 trend factor. Effective for dates of service beginning February 1, 2016, all nonstate-operated ICF/IID facilities shall be granted an increase to their per diem rates of one percent (1%) for the trend factor. This adjustment is equal to one percent (1%) of the per diem rate paid to nonstate-operated ICF/IID facilities on January 31, 2016.

P. State FY-2017 trend factor. Effective for dates of service beginning September 1, 2016, all nonstate-operated ICF/IID facilities shall be granted an increase to their per diem rates of two percent (2%) for the trend factor. This adjustment is equal to two percent (2%) of the per diem rate paid to nonstate-operated ICF/IID facilities on August 31, 2016.

2. Adjustments to rates. The prospectively determined reimbursement rate may be adjusted only under the following conditions:

A. When information contained in a facility's cost report is found to be fraudulent, misrepresented, or inaccurate, the facility's reimbursement rate may be reduced, both retroactively and prospectively, if the fraudulent, misrepresented, or inaccurate information as originally reported resulted in establishment of a higher reimbursement rate than the facility would have received in the absence of this information. No decision by the MO HealthNet agency to impose a rate adjustment in the case of fraudulent, misrepresented, or inaccurate information in any way shall affect the MO HealthNet agency's ability to impose any sanctions authorized by statute or rule. The fact that fraudulent, misrepresented, or inaccurate information reported did not result in establishment of a higher reimbursement rate than the facility would have received in the absence of the information also does not affect the MO HealthNet agency's ability to impose any sanctions authorized by statute or rules;

B. In accordance with subsection (6)(B) of this rule, a newly constructed facility's initial reimbursement rate may be reduced if the facility's actual allowable per diem cost for its first twelve (12) months of operation is less than its initial rate;

C. When a facility's MO HealthNet reimbursement rate is higher than either its private pay rate or its Medicare rate, the MO HealthNet rate will be reduced in accordance with subsection (2)(B) of this rule;

D. When the provider can show that it incurred higher cost due to circumstances beyond its control, and the circumstances are not experienced by the nursing home or ICF//MR/IID industry in general, the request must have a substantial cost effect. These circumstances include, but are not limited to:

(I) Acts of nature, such as fire, earthquakes, and flood, that are not covered by insurance;

(II) Vandalism, civil disorder, or both; or

(III) Replacement of capital depreciable items not built into existing rates that are the result of circumstances not related to normal wear and tear or upgrading of existing system;

E. When an adjustment to a facility's rate is made in accordance with the provisions of section (6) of this rule; or

F. When an adjustment is based on an Administrative Hearing Commission or court decision.

(B) In the case of newly constructed nonstate-operated ICF//MR/IID facilities entering the MO HealthNet program after October 31, 1986, and for which no rate has previously been set, the director or his/her designee may set an initial rate for the facility as in his/her discretion s/he deems appropriate. The initial rate shall be

subject to review by the advisory committee under the provisions of section (6) of this rule.

(5) Covered Services and Supplies.

(A) ICF//MR/IID services and supplies covered by the per diem reimbursement rate under this plan, and which must be provided, as required by federal or state law or rule and include, among other services, the regular room, dietary and nursing services, or any other services that are required for standards of participation or certification. Also included are minor medical and surgical supplies and the use of equipment and facilities. These items include, but are not limited to, the following:

1. All general nursing services including, but not limited to, administration of oxygen and related medications, hand-feeding, incontinency care, tray service, and enemas;

2. Items which are furnished routinely and relatively uniformly to all participants, for example, gowns, water pitchers, soap, basins, and bed pans;

3. Items such as alcohol, applicators, cotton balls, bandaids, and tongue depressors;

4. All nonlegend antacids, nonlegend laxatives, nonlegend stool softeners, and nonlegend vitamins. Any nonlegend drug in one (1) of these four (4) categories must be provided to residents as needed and no additional charge may be made to any party for any of these drugs. Facilities may not elect which nonlegend drugs in any of the four (4) categories to supply; all must be provided as needed within the existing per diem rate;

5. Items which are utilized by individual participants but which are reusable and expected to be available, such as ice bags, bed rails, canes, crutches, walkers, wheelchairs, traction equipment, and other durable, nondepreciable medical equipment;

6. Additional items as specified in the appendix to this plan when required by the patient;

7. Special dietary supplements used for tube feeding or oral feeding, such as elemental high nitrogen diet, including dietary supplements written as a prescription item by a physician;

8. All laundry services except personal laundry which is a non-covered service;

9. All general personal care services which are furnished routinely and relatively uniformly to all participants for their personal cleanliness and appearance shall be covered services, for example, necessary clipping and cleaning of fingernails and toenails, basic hair care, shampoos, and shaves to the extent necessary for reasonable personal hygiene. The provider shall not bill the patient or his/her responsible party for this type of personal service;

10. All consultative services as required by state or federal law or regulation or for proper operation by the provider. Contracts for the purchase of these services must accompany the provider cost report. Failure to do so will result in the penalties specified in section (9) of this rule;

11. Semiprivate room and board and private room and board when necessary to isolate a participant due to a medical or social condition, such as contagious infection, irrational loud speech, and the like. Unless a private room is necessary due to a medical or social condition, a private room is a noncovered service, and a MO HealthNet participant or responsible party may therefore pay the difference between a facility's semiprivate charge and its charge for a private room. MO HealthNet participants may not be placed in private rooms and charged any additional amount above the facility's MO HealthNet per diem unless the participant or responsible party in writing specifically requests a private room prior to placement in a private room and acknowledges that an additional amount not payable by MO HealthNet will be charged for a private room;

12. Twelve (12) days per any period of six (6) consecutive months during which a participant is on a temporary leave of absence from the facility. Temporary leave of absence days must be specifically provided for in the participant's plan of care. Periods of time during which a participant is away from the facility because s/he is

visiting a friend or relative are considered temporary leaves of absence; and

13. Days when participants are away from the facility overnight on facility-sponsored group trips under the continuing supervision and care of facility personnel.

(6) Rate Determination. All nonstate-operated ICF//MR/ID providers of LTC services under the MO HealthNet program who desire to have their rates changed or established must apply to the MO HealthNet Division. The department may request the participation of the Department of Mental Health in the analysis for rate determination. The procedure and conditions for rate reconsideration are as follows:

(E) Rate Adjustments. The department may alter a facility's per diem rate based on—

1. Court decisions;
2. Administrative Hearing Commission decisions;
3. Determination through desk audits, field audits, and other means, which establishes misrepresentations in or the inclusion of unallowable costs in the cost report used to establish the per diem rate. In these cases, the adjustment shall be applied retroactively; or
4. Adjustments determined by the department without the advice of the rate advisory committee.

A. Prospective payment adjustment (PPA). A FY-92 PPA will be provided prior to the end of the state fiscal year for nonstate-operated ICF//MR/ID facilities with a current provider agreement on file with the MO HealthNet Division as of October 1, 1991.

(I) For providers which qualify, the PPA shall be the lesser of—

(a) The provider's facility peer group factor (FPGF) times the projected patient days (PPD) covered by the adjustment year times the prospective payment adjustment factor (PPAF) times the nonstate-operated intermediate care facility for *[the mentally retarded] individuals with intellectual disabilities* ceiling (ICF//MR/IDC) on October 1, 1991 ($FPGF \times PPD \times PPAF \times ICF//MR/IDC$). For example: A provider having nine hundred twenty (920) paid days for the period May 1991 to July 1991 out of a total paid days for this same period of twenty-eight thousand five hundred sixty-one (28,561) represents an FPGF of three and twenty-two hundredths percent (3.22%). So using the FPGF of 3.22% \times 114,244 \times 24.5% \times \$156.01 = \$140,659; or

(b) The provider FPGF times one hundred forty-five percent (145%) of the amount credited to the intermediate care revenue collection center (ICRCC) of the State Title XIX Fund (STF) for the period October 1, 1991 through December 31, 1991.

(II) FPGF—is determined by using each ICF//MR/ID facility's paid days for the service dates in May 1991 through July 1991 as of September 20, 1991, divided by the sum of the paid days for the same service dates for all provider's qualifying as of the determination date of October 16, 1991.

(III) ICF//MR/IDC—is one hundred fifty-six dollars and one cent (\$156.01) on October 1, 1991.

(IV) PPAF—is equal to twenty-four and five-tenths percent (24.5%) for fiscal year 1992 which includes an adjustment for economic trends.

(V) PPD—is the projection of one hundred fourteen thousand two hundred forty-four (114,244) patient days made on October 1, 1991, for the adjustment year;

5. FY-92 trend factor and Workers' Compensation. All facilities with either an interim rate or a prospective per diem rate in effect on September 1, 1992, shall be granted an increase to their per diem rate effective September 1, 1992, of eight dollars and eighty-six cents (\$8.86) per patient day related to the continuation of the FY-92 trend factor and the Workers' Compensation adjustment. This adjustment is equal to seven and one-half percent (7.5%) of the March 1992 weighted average per diem rate of one hundred eighteen dollars and fourteen cents (\$118.14) for all nonstate-operated ICF//MR/ID facilities; or

6. FY-93 negotiated trend factor. All facilities with either an interim rate or prospective per diem rate in effect on September 1, 1992, shall be granted an increase to their per diem rate effective September 1, 1992, of one dollar and sixty-six cents (\$1.66) per patient day for the negotiated trend factor. This adjustment is equal to one and four-tenths percent (1.4%) of the March 1992 weighted average per diem rate of one hundred eighteen dollars and fourteen cents (\$118.14) for all nonstate-operated ICF//MR/ID facilities; and

(7) Allowable Cost Areas.

(N) Utilization Review. Incurred cost for the performance of required utilization review for ICF//MR/ID is an allowable cost area. The expenditures must be for the purpose of providing utilization review on behalf of a Title XIX participant. Utilization review costs incurred for Title XVIII and Title XIX must be apportioned on the basis of reimbursable participant days recorded for each program during the reporting period.

(R) Apportionment of Costs to MO HealthNet Participant Residents.

1. Provider's allowable cost areas shall be apportioned between MO HealthNet program participant residents and other patients so that the share borne by the MO HealthNet program is based upon actual services received by program participants.

2. To accomplish this apportionment, the ratio of participant residents' charges to total patient charges for the service of each ancillary department may be applied to the cost of this department. To this shall be added the cost of routine services for MO HealthNet program participant residents determined on the basis of a separate average cost per diem for general routine care areas or at the option of the provider on the basis of overall routine care area.

3. So that its charges may be allowable for use in apportioning costs under the program, each provider shall have an established charge structure which is applied uniformly to each patient as services are furnished to the patient and which is reasonable and consistently related to the cost of providing these services.

4. Average cost per diem for general routine services means the amount computed by dividing the total allowable patient costs for routine services by the total number of patient days of care rendered by the provider in the cost-reporting period.

5. A patient day of care is that period of service rendered a patient between the census-taking hours on two (2) consecutive days, including the twelve (12) temporary leave of absence days per any period of six (6) consecutive months as specifically covered under section (5) of this rule, the day of discharge being counted only when the patient was admitted the same day. A census log shall be maintained in the facility for documentation purposes. Census shall be taken daily at midnight. A day of care includes those overnight periods when a participant is away from the facility on a facility-sponsored group trip and remains under the supervision and care of facility personnel.

6. ICF//MR/ID facilities that provide intermediate care services to MO HealthNet participants may establish distinct part cost centers in their facility provided that adequate accounting and statistical data required to separately determine the nursing care cost of each distinct part is maintained. Each distinct part may share the common services and facilities, such as management services, dietary, housekeeping, building maintenance, and laundry.

7. In no case may a provider's allowable costs allocated to the MO HealthNet program include the cost of furnishing services to persons not covered under the MO HealthNet program.

AUTHORITY: section 208.159, RSMo 2000, and sections 208.153 and 208.201, RSMo Supp. 2013. This rule was previously filed as 13 CSR 40-81.083. Original rule filed Aug. 13, 1982, effective Nov. 11, 1982. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Aug. 15, 2016, effective Sept. 1, 2016, expires Feb. 27, 2017. Amended: Filed Aug. 15, 2016.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately two hundred five thousand nine hundred ninety-six dollars (\$205,996) for SFY 2017.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication in the **Missouri Register**. If to be hand-delivered, comments must be brought to the MO HealthNet Division at 615 Howerton Court, Jefferson City, MO. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC COST**

- I. Department Title:** Title 13 - Department of Social Services
Division Title: Division 70 - MO HealthNet Division
Chapter Title: Chapter 10 - Nursing Home Program

Rule Number and Name:	13 CSR 70-10.030 Prospective Reimbursement Plan for Nonstate-Operated Facilities for ICF/IID Services
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Social Services MO HealthNet Division	Estimated cost for SFY 2017: \$205,996 Estimated Ongoing Annual Cost = \$200,642

III. WORKSHEET

Description	Trend Increase
<u>SFY 2016 - 1% Trend Factor</u>	
Estimated Annual Paid Days: SFY 2016	28,180
Rate Effective February 2016 (5 months of SFY 2016)	5/12
Estimated Patient Days Impacted during SFY 2016	11,742
x Average Per Diem Rate Increase	\$2.36
Total Estimated Impact for SFY 2016 trend to be paid in SFY 2017	\$27,710
<u>SFY 2016 - 1% Trend Factor</u>	
Estimated Annual Paid Days: SFY 2017	28,180
x Average Per Diem Rate Increase	\$2.36
Total Estimated Impact for SFY 2016 trend to be paid in SFY 2017	\$66,505
<u>SFY 2017 - 2% Trend Factor</u>	
Estimated Annual Paid Days: SFY 2017	28,180
Rate Effective September 2016 (10 months of year)	10/12
Estimated Patient Days Impacted during SFY 2017	23,483
x Average Per Diem Rate Increase	\$4.76
Total Estimated Impact for SFY 2017 trend	\$111,781
Total Estimated Impact for SFY 2017	\$205,996
State Share (36.772%)	\$75,749
Federal Share (63.228%)	\$130,354
<u>Ongoing Annual Cost</u>	
Estimated Annual Paid Days	28,180
x Average Per Diem Rate Increase	\$7.12
Total Estimated Annual Impact	\$200,642

IV. ASSUMPTIONS

Estimated Paid Days:

ICF/IID Facility:

The estimated paid days for SFY 2016 and SFY 2017 are based on the actual Medicaid days paid for nonstate-operated ICF/IID facility services paid during SFY 2015. There are seven (7) facilities which operate close to full occupancy and the number of patient days has been constant each year.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2270—Missouri Veterinary Medical Board
Chapter 1—General Rules**

PROPOSED RULE

**20 CSR 2270-1.051 Renewal of License or Registration for
Military Members**

PURPOSE: This rule sets forth the procedures for licensees and registrants who are members of any United States or State of Missouri military, pursuant to section 41.950, RSMo, who have served on active military duty, pursuant to section 41.950, RSMo. Specifically, the rule sets forth procedures for the renewal of a license or registration, for completing obligations of the board, and for discipline of a license or registration.

(1) Any individual holding a current license or registration that is engaged in the performance of active military duty who has their license or registration lapse while performing such military service, may renew or reinstate such license or registration without penalty by—

(A) Filing with the board a Notice of Active Military Duty on a form provided by the board or by written communication accepted by the board that shall be signed and dated by the individual and shall contain the individual's name, address, the type of license or registration, license or registration number, and the date of active duty activation, and shall be accompanied by a copy of the individual's active duty orders or other evidence sufficient for the board to determine the dates of active military duty; and

(B) Filing such Notice of Active Military Duty or accepted written communication with the board no later than sixty (60) days after completion of the active duty military service.

(2) Upon receipt and approval of the Notice of Active Military Duty or accepted written communication, the board shall reinstate the individual's license or registration with no further requirements.

(3) If a licensee or registrant fails to take any required action or fails to meet any required obligation of the board while the licensee or registrant is on active military duty, the licensee or registrant shall have at least one hundred eighty (180) days after the end of his or her active military duty to take those actions or fulfill those obligations before any administrative action can be taken by the board.

(4) If the board desires to initiate disciplinary action, administrative action, or any other proceeding where the licensee or registrant is a necessary party and the licensee or registrant is on active military duty, the board shall stay such action or proceeding until at least sixty (60) days after the licensee or registrant returns from active duty.

AUTHORITY: sections 41.950, RSMo Supp. 2013, and section 340.210, RSMo 2000. Original rule filed Aug. 8, 2016.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately three dollars (\$3) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately seventy-one dollars and thirty-eight cents (\$71.38) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Veterinary Medical Board, PO Box 633, Jefferson City, MO 65102, via facsimile at (573) 526-3856, or via email at vets@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 -Department of Insurance, Financial Institutions and Professional Registration
Division 2270 - Missouri Veterinary Medical Board
Chapter 1 - General Rules
Proposed Rule to 20 CSR 2270 - 1.051 Renewal of Licenses for Military Members
Prepared July 3, 2014 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Costs
Missouri Veterinary Medical Board	\$2.86 to \$2.98
	Total Annual Cost of Compliance for the Life of the Rule \$3.00

III. WORKSHEET

The Processing Technician II provides technical support, processes applications for licensure, and responds to inquiries related to the licensure law and/or rules and regulations.

Personal Service

STAFF	ANNUAL SALARY RANGE	SALARY TO INCLUDE FRINGE	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	NUMBER OF ITEMS	TOTAL COST
Processing Technician II	\$24,579 to \$26,640	\$37,116 to \$40,228	\$17.84 to \$19.34	\$0.30 to \$0.32	5 minutes	\$1.49 to \$1.61	1	\$1.49 to \$1.61
Total Personal Service Costs During the First Year of Implementation								\$1.49 to \$1.61

Expense and Equipment

Item	Cost	Quantity	Total Cost Per Item
Correspondence Mailing	\$0.65	1	\$0.65
License Printing and Postage	\$0.72	1	\$0.72
Total Expense and Equipment Costs			\$1.37

IV. ASSUMPTIONS

1. Employees' salaries were calculated using the annual salary multiplied by 51.005% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications.

Note: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual cost incurred by the office, which includes personal service, expense and equipment and transfers.

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 -Department of Insurance, Financial Institutions and Professional Registration

Division 2270 - Missouri Veterinary Medical Board

Chapter 1 - General Rules

Proposed Rule to 20 CSR 2270 - 1.051 Renewal of Licenses for Military Members

Prepared July 3, 2014 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the amendment by affected entities:
1	Veterinarian Annual Renewal Fee (Annual Renewal Fee @ \$50)	\$50
1	Veterinary Technician Annual Renewal Fee (Annual Renewal Fee @ \$20)	\$20
2	Notice of Active Military Duty Postage (Postage @ \$0.49)	\$0.98
2	Notice of Active Military Duty copy of active duty orders (2 pages of orders / 10 cents per sheet @ \$0.20)	\$0.40
Estimated Annual Cost of the Amendment for the Life of the Rule		\$71.38

III. WORKSHEET

See Table Above

IV. ASSUMPTIONS

1. The board anticipates that there will be very few licensees that will require late renewal. It is estimated that the board will have approximately one applicant annually that will renew due to active military duty.
2. It is anticipated that the total costs will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee. Expected to increase at the rate projected by the Legislative Oversight Committee.

Note: The board is statutorily obligated to enforce and administer the provisions of Chapter 340, RSMo. Pursuant to section 340.210, RSMo, the board shall by rule and regulation set the amount of fees authorized by Chapter 340, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 340, RSMo.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2270—Missouri Veterinary Medical Board
Chapter 2—Licensure Requirements for Veterinarians**

PROPOSED RULE

**20 CSR 2270-2.080 Military Training to Meet Requirements for
Licensure**

PURPOSE: This rule requires the board to accept evidence of military education, training, or service to be applied toward the requirements for licensure.

(1) Any applicant for licensure may, as part of the evidence of meeting the requisite educational and/or training requirements for licensure, submit evidence of military experience as a member of the military.

(2) The board shall review the evidence submitted and, if appropriate, make additional inquiry of the applicant to determine the scope and duties of the military experience to determine whether the military experience shall be counted towards the qualifications for licensure.

(3) In its review of the military experience, the board shall evaluate the content and nature of the military experience to determine whether that military experience shall count towards the education, training, or service requirements for licensure. The board shall construe liberally the military experience in determining whether it will count towards the education, training, or service requirements for licensure.

(4) "Military experience" shall mean education, training, or service completed by an applicant while a member of the United States armed forces or reserves, the national guard of any state, the military reserves of any state, or the naval militia of any state.

AUTHORITY: section 324.007, RSMo Supp. 2013, and section 340.210, RSMo 2000. Original rule filed Aug. 8, 2016.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately three dollars (\$3) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately one dollar and five cents (\$1.05) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Veterinary Medical Board, PO Box 633, Jefferson City, MO 65102, via facsimile at (573) 526-3856, or via email at vets@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 -Department of Insurance, Financial Institutions and Professional Registration
 Division 2270 - Missouri Veterinary Medical Board
 Chapter 2 - Licensure Requirements for Veterinarians
 Proposed Rule to 20 CSR 2270 - 2.080 Military Training to Meet Requirements for Licensure
 Prepared July 9, 2014 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Costs	
Missouri Veterinary Medical Board	\$2.86 to \$2.98	
	Total Annual Cost of Compliance for the Life of the Rule	\$3.00

III. WORKSHEET

The Processing Technician II provides technical support, processes applications for licensure and responds to inquiries related to the licensure law and/or rules and regulations.

Personal Service

STAFF	ANNUAL SALARY RANGE	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICA TION	NUMBER OF ITEMS	TOTAL COST
Processing Technician II	\$24,579	\$37,116	\$17.84	\$0.30	5 minutes	\$1.49	1	\$1.49
	to \$26,640	to \$40,228	to \$19.34	to \$0.32		to \$1.61		to \$1.61
					Total Personal Service Costs During the First Year of Implementation			\$1.49 to \$1.61

Expense and Equipment

Item	Cost	Quantity	Total Cost Per Item
Correspondence Mailing	\$0.65	1	\$0.65
License Printing and Postage	\$0.72	1	\$0.72
Total Expense and Equipment Costs			\$1.37

IV. ASSUMPTIONS

1. Employees' salaries were calculated using the annual salary multiplied by 51.005% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications.

Note: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual cost incurred by the office, which includes personal service, expense and equipment and transfers.

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 -Department of Insurance, Financial Institutions and Professional Registration
Division 2270 - Missouri Veterinary Medical Board
Chapter 2 - Licensure Requirements for Veterinarians
Proposed Rule to 20 CSR 2270 - 2.080 Military Training to Meet Requirements for Licensure
Prepared July 9, 2014 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the amendment by affected entities:
1	Applicant - Evidence of Military education, training, or service to be applied toward the requirements for licensure. Postage @ \$0.65	\$0.65
1	Notice of Active Military Duty copy of education, training, or service (4 pages of evidence @ \$0.10 per sheet)	\$0.40
Estimated Annual Cost of the Amendment for the Life of the Rule		\$1.05

III. WORKSHEET

See Table Above

IV. ASSUMPTIONS

1. The board anticipates that there will be very few applicants using military education, training, or service to be applied toward the requirements for licensure. It is estimated that the board will have approximately one applicant.
2. It is anticipated that the total costs will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee. Expected to increase at the rate projected by the Legislative Oversight Committee.

Note: The board is statutorily obligated to enforce and administer the provisions of Chapter 340, RSMo. Pursuant to section 340.210, RSMo, the board shall by rule and regulation set the amount of fees authorized by Chapter 340, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 340, RSMo.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2270—Missouri Veterinary Medical Board
Chapter 3—Registration Requirements for Veterinary
Technicians**

PROPOSED RULE

**20 CSR 2270-3.045 Military Training to Meet Requirements for
Registration**

PURPOSE: This rule requires the board to accept evidence of military education, training, or service to be applied toward the requirements for registration.

(1) Any applicant for registration may, as part of the evidence of meeting the requisite educational and/or training requirements for registration, submit evidence of military experience as a member of the military.

(2) The board shall review the evidence submitted and, if appropriate, make additional inquiry of the applicant to determine the scope and duties of the military experience to determine whether the military experience shall be counted towards the qualifications for registration.

(3) In its review of the military experience, the board shall evaluate the content and nature of the military experience to determine whether that military experience shall count towards the education, training, or service requirements for registration. The board shall construe liberally the military experience in determining whether it will count towards the education, training, or service requirements for registration.

(4) "Military experience" shall mean education, training, or service completed by an applicant while a member of the United States armed forces or reserves, the national guard of any state, the military reserves of any state, or the naval militia of any state.

AUTHORITY: section 324.007, RSMo Supp. 2013, and section 340.210, RSMo 2000. Original rule filed Aug. 8, 2016.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately three dollars (\$3) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately one dollar and five cents (\$1.05) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Veterinary Medical Board, PO Box 633, Jefferson City, MO 65102, via facsimile at (573) 526-3856, or via email at vets@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 -Department of Insurance, Financial Institutions and Professional Registration

Division 2270 - Missouri Veterinary Medical Board

Chapter 3 - Registration Requirements for Veterinary Technicians

Proposed Rule to 20 CSR 2270 - 3.045 Military Training to Meet Requirements for Registration

Prepared July 9, 2014 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Costs
Missouri Veterinary Medical Board	\$2.86 to \$2.98
	Total Annual Cost of Compliance for the Life of the Rule \$3.00

III. WORKSHEET

The Processing Technician II provides technical support, processes applications for registration and responds to inquiries related to the licensure law and/or rules and regulations.

Personal Service

STAFF	ANNUAL SALARY RANGE	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICA TION	NUMBER OF ITEMS	TOTAL COST
Processing Technician II	\$24,579 to \$26,640	\$37,116 to \$40,228	\$17.84 to \$19.34	\$0.30 to \$0.32	5 minutes	\$1.49 to \$1.61	1	\$1.49 to \$1.61
					Total Personal Service Costs During the First Year of Implementation			\$1.49 to \$1.61

Expense and Equipment

Item	Cost	Quantity	Total Cost Per Item
Correspondence Mailing	\$0.65	1	\$0.65
License Printing and Postage	\$0.72	1	\$0.72
Total Expense and Equipment Costs			\$1.37

IV. ASSUMPTIONS

1. Employees' salaries were calculated using the annual salary multiplied by 51.005% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications.

Note: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual cost incurred by the office, which includes personal service, expense and equipment and transfers.

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2270 - Missouri Veterinary Medical Board

Chapter 3 - Registration Requirements for Veterinary Technicians

Proposed Rule to 20 CSR 2270 - 3.045 Military Training to Meet Requirements for Registration

Prepared July 9, 2014 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the amendment by affected entities:
1	Applicant - Evidence of Military education, training, or service to be applied toward the requirements for registration. Postage @ \$0.65	\$0.65
1	Notice of Active Military Duty copy of education, training, or service (4 pages of evidence @ \$0.10 per sheet)	\$0.40
	Estimated Annual Cost of the Amendment for the Life of the Rule	\$1.05

III. WORKSHEET

See Table Above

IV. ASSUMPTIONS

1. The board anticipates that there will be very few applicants using military education, training, or service to be applied toward the requirements for registration. It is estimated that the board will have approximately one applicant.
2. It is anticipated that the total costs will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee. Expected to increase at the rate projected by the Legislative Oversight Committee.

Note: The board is statutorily obligated to enforce and administer the provisions of Chapter 340, RSMo. Pursuant to section 340.210, RSMo, the board shall by rule and regulation set the amount of fees authorized by Chapter 340, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 340, RSMo.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-(90-) day period during which an agency shall file its Order of Rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the Proposed Rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 2—Grade “A” Pasteurized Milk Regulations**

ORDER OF RULEMAKING

By the authority vested in the State Milk Board under section 196.939, RSMo 2000, the board amends a rule as follows:

2 CSR 80-2.010 Definitions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2016 (41 MoReg 727). No changes have been made in the text of the proposed amendment, so it is not reprinted here. The proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 2—Grade “A” Pasteurized Milk Regulations**

ORDER OF RULEMAKING

By the authority vested in the State Milk Board under section 196.939, RSMo 2000, the board amends a rule as follows:

2 CSR 80-2.020 Sale of Adulterated, Misbranded Milk, or Milk Products is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2016 (41 MoReg 727–728). No changes have been made in the text of the proposed amendment, so it is not reprinted here. The proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 2—Grade “A” Pasteurized Milk Regulations**

ORDER OF RULEMAKING

By the authority vested in the State Milk Board under section 196.939, RSMo 2000, the board amends a rule as follows:

2 CSR 80-2.030 Permits is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2016 (41 MoReg 728). No changes have been made in the text of the proposed amendment, so it is not reprinted here. The proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 2—Grade “A” Pasteurized Milk Regulations**

ORDER OF RULEMAKING

By the authority vested in the State Milk Board under section 196.939, RSMo 2000, the board amends a rule as follows:

2 CSR 80-2.040 Labeling is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2016 (41 MoReg 728–729). No changes have been made in the text of the proposed amendment, so it is not reprinted here. The proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 2—Grade “A” Pasteurized Milk Regulations**

ORDER OF RULEMAKING

By the authority vested in the State Milk Board under section 196.939, RSMo 2000, the board amends a rule as follows:

2 CSR 80-2.060 The Examination of Milk and Milk Products is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2016

(41 MoReg 729). No changes have been made in the text of the proposed amendment, so it is not reprinted here. The proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 2—Grade “A” Pasteurized Milk Regulations**

ORDER OF RULEMAKING

By the authority vested in the State Milk Board under section 196.939, RSMo 2000, the board amends a rule as follows:

**2 CSR 80-2.070 Standards for Milk and Milk Products
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2016 (41 MoReg 729–731). No changes have been made in the text of the proposed amendment, so it is not reprinted here. The proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 2—Grade “A” Pasteurized Milk Regulations**

ORDER OF RULEMAKING

By the authority vested in the State Milk Board under section 196.939, RSMo 2000, the board amends a rule as follows:

2 CSR 80-2.080 Animal Health is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2016 (41 MoReg 731). No changes have been made in the text of the proposed amendment, so it is not reprinted here. The proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 2—Grade “A” Pasteurized Milk Regulations**

ORDER OF RULEMAKING

By the authority vested in the State Milk Board under section 196.939, RSMo 2000, the board amends a rule as follows:

**2 CSR 80-2.091 Milk and Milk Products Which May Be Sold
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2016 (41 MoReg 731). No changes have been made in the text of the proposed amendment, so it is not reprinted here. The proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 2—Grade “A” Pasteurized Milk Regulations**

ORDER OF RULEMAKING

By the authority vested in the State Milk Board under section 196.939, RSMo 2000, the board amends a rule as follows:

**2 CSR 80-2.101 Transferring; Delivery Containers; Cooling
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2016 (41 MoReg 731–732). No changes have been made in the text of the proposed amendment, so it is not reprinted here. The proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 2—Grade “A” Pasteurized Milk Regulations**

ORDER OF RULEMAKING

By the authority vested in the State Milk Board under section 196.939, RSMo 2000, the board amends a rule as follows:

**2 CSR 80-2.110 Milk and Milk Products from Points Beyond the
Limits of Routine Inspection is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2016 (41 MoReg 732). No changes have been made in the text of the proposed amendment, so it is not reprinted here. The proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 2—Grade “A” Pasteurized Milk Regulations**

ORDER OF RULEMAKING

By the authority vested in the State Milk Board under section 196.939, RSMo 2000, the board amends a rule as follows:

**2 CSR 80-2.121 Future Dairy Farms and Milk Plants
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2016 (41 MoReg 732–733). No changes have been made in the text of the proposed amendment, so it is not reprinted here. The proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 2—Grade “A” Pasteurized Milk Regulations**

ORDER OF RULEMAKING

By the authority vested in the State Milk Board under section 196.939, RSMo 2000, the board amends a rule as follows:

2 CSR 80-2.130 Personnel Health is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2016 (41 MoReg 733). No changes have been made in the text of the proposed amendment, so it is not reprinted here. The proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 2—Grade “A” Pasteurized Milk Regulations**

ORDER OF RULEMAKING

By the authority vested in the State Milk Board under section 196.939, RSMo 2000, the board amends a rule as follows:

**2 CSR 80-2.141 Procedure When Infection is Suspected
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2016 (41 MoReg 733). No changes have been made in the text of the proposed amendment, so it is not reprinted here. The proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 2—Grade “A” Pasteurized Milk Regulations**

ORDER OF RULEMAKING

By the authority vested in the State Milk Board under section 196.939, RSMo 2000, the board amends a rule as follows:

2 CSR 80-2.151 Enforcement is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2016 (41 MoReg 734). No changes have been made in the text of the proposed amendment, so it is not reprinted here. The proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 2—Grade “A” Pasteurized Milk Regulations**

ORDER OF RULEMAKING

By the authority vested in the State Milk Board under section 196.939, RSMo 2000, the board amends a rule as follows:

2 CSR 80-2.161 Penalty is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2016 (41 MoReg 734). No changes have been made in the text of the proposed amendment, so it is not reprinted here. The proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 2—Grade “A” Pasteurized Milk Regulations**

ORDER OF RULEMAKING

By the authority vested in the State Milk Board under section 196.939, RSMo 2000, the board amends a rule as follows:

2 CSR 80-2.170 Separability Clause is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2016 (41 MoReg 734-735). No changes have been made in the text of the proposed amendment, so it is not reprinted here. The proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 2—Grade “A” Pasteurized Milk Regulations**

ORDER OF RULEMAKING

By the authority vested in the State Milk Board under section 196.939, RSMo 2000, the board amends a rule as follows:

2 CSR 80-2.180 Adoption of the *Grade “A” Pasteurized Milk Ordinance* (PMO), 2015 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2016 (41 MoReg 735). No changes have been made in the text of the proposed amendment, so it is not reprinted here. The proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 2—Grade “A” Pasteurized Milk Regulations**

ORDER OF RULEMAKING

By the authority vested in the State Milk Board under section 196.939, RSMo 2000, the board amends a rule as follows:

2 CSR 80-2.181 Adoption of the *Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments*, 2015 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, and the National Conference on Interstate Milk Shipments is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2016 (41 MoReg 735–736). No changes have been made in the text of the proposed amendment, so it is not reprinted here. The proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 3—Production and Distribution of Grade “A”
Retail Raw Milk and Milk Products

ORDER OF RULEMAKING

By the authority vested in the State Milk Board under section 196.939, RSMo 2000, the board amends a rule as follows:

2 CSR 80-3.060 The Examination of Milk and Milk Products
is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2016 (41 MoReg 736). No changes have been made in the text of the proposed amendment, so it is not reprinted here. The proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 3—Production and Distribution of Grade “A”
Retail Raw Milk and Milk Products

ORDER OF RULEMAKING

By the authority vested in the State Milk Board under section 196.939, RSMo 2000, the board amends a rule as follows:

2 CSR 80-3.120 Enforcement Interpretation **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2016 (41 MoReg 736). No changes have been made in the text of the proposed amendment, so it is not reprinted here. The proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 3—Production and Distribution of Grade “A”
Retail Raw Milk and Milk Products

ORDER OF RULEMAKING

By the authority vested in the State Milk Board under section 196.939, RSMo 2000, the board amends a rule as follows:

2 CSR 80-3.130 Adoption of the *Grade “A” Pasteurized Milk Ordinance* (PMO), 2015 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration by Reference **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2016 (41 MoReg 736–737). No changes have been made in the text of the proposed amendment, so it is not reprinted here. The proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 4—Grade “A” Raw Milk For Pasteurization and
Grade “A” Milk or Milk Products from Points Beyond
the Limits of Routine Inspection

ORDER OF RULEMAKING

By the authority vested in the State Milk Board under section 196.939, RSMo 2000, the board amends a rule as follows:

2 CSR 80-4.010 Rules for Import Milk **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2016 (41 MoReg 737). No changes have been made in the text of the proposed amendment, so it is not reprinted here. The proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 9—DEPARTMENT OF MENTAL HEALTH
Division 10—Director, Department of Mental Health
Chapter 7—Core Rules for Psychiatric and Substance
Abuse Programs

ORDER OF RULEMAKING

By the authority vested in the Director of the Department of Mental Health under section 630.050, RSMo Supp. 2013, Department of Mental Health amends a rule as follows:

9 CSR 10-7.140 Definitions **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2016 (41 MoReg 494). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs

ORDER OF RULEMAKING

By the authority vested in the Director of the Department of Mental

Health under section 630.050, RSMo Supp. 2013, and section 630.055, RSMo 2000, the Department of Mental Health adopts a rule as follows:

9 CSR 30-3.310 Recovery Support Programs is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 16, 2016 (41 MoReg 678-682). No changes have been made in the text of the proposed rule, so it is not reprinted here. The proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 45—Division of Developmental Disabilities
Chapter 4—Financial Procedures**

ORDER OF RULEMAKING

By the authority vested in the Director of the Department of Mental Health under section 630.050, RSMo Supp. 2013, Department of Mental Health rescinds a rule as follows:

9 CSR 45-4.030 Family Support Stipends is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 15, 2016 (41 MoReg 494-495). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 45—Division of Developmental Disabilities
Chapter 4—Financial Procedures**

ORDER OF RULEMAKING

By the authority vested in the Director of the Department of Mental Health under section 630.050, RSMo Supp. 2013, Department of Mental Health rescinds a rule as follows:

9 CSR 45-4.040 Family Support Loans is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 15, 2016 (41 MoReg 495). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 20—Clean Water Commission
Chapter 6—Permits**

ORDER OF RULEMAKING

By the authority vested in the Clean Water Commission under section 640.710, RSMo 2000, and section 644.026, RSMo Supp. 2014, the Department of Natural Resources amends a rule as follows:

10 CSR 20-6.300 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2016 (41 MoReg 308-321). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held April 6, 2016. The public comment period ended May 18, 2016. The Department of Natural Resources received three (3) comments on the proposed amendment at the public hearing and twelve (12) comments pertaining to the rule were received via email or letter.

COMMENT #1: Public Hearing - Mr. Robert Brundage, representing Missouri Pork Association and Missouri Agribusiness Association; - I have been involved with CAFO rulemaking since the first rule was enacted in 1996. There is a need to revise the regulations primarily in reaction to HB28. I would ask you to go ahead and move this regulation forward....there is a lot of confusion when you apply for a permit as you're required to do. Department staff has to decide which parts of the regulation do not apply anymore and, trying to explain that is very confusing. This will clarify the process and make it clear and better for department staff and everyone involved.

RESPONSE: No changes were made as a result of this comment.

COMMENT #2: Public Hearing - Ms. Leslie Holloway, representing Missouri Farm Bureau; - I want to talk about one specific provision of the proposed rule before you. This new language would require that applications for general operating permits be submitted at least ninety (90) days prior to the start of the operation, applications for site-specific operating permits to be submitted at least one hundred eighty (180) days prior to the start, and then application shall include at a minimum the following documents. The first item is that the title page of the engineering report or similar document include the name of the operation, date report was prepared, name and address of firm preparing report, seal and signature of the engineer, and a statement saying the project was designed in accordance with 10 CSR 20-8.300 and 10 CSR 20-6.300. The new language under 6.300 specifies that there would have to be the seal and approval from the engineer that says this facility was designed in compliance with the manure storage requirements.

RESPONSE AND EXPLANATION OF CHANGE: When HB28 was enacted the department developed a "Draft Operating Permit Process" which included the requirement of a P.E seal and statement saying the project was designed in accordance with 10 CSR 20-8.300 and 10 CSR 20-6.300. The purpose of this is to show compliance with section 644.051, RSMo, which requires all point sources to be designed by a P.E. registered in Missouri in accordance with the Commission's design rules, which in this case is 10 CSR 20-8.300. For this reason, the requirement has been included with this amendment to the regulation. As a result of this comment the language "and 10 CSR 20-6.300" has been removed. This amended rulemaking contains only operating permit requirement. Design requirements for CAFOs are in 10 CSR 20-8.300.

COMMENT #3: Public Hearing - Mr. Darrick Steen, representing Missouri Corn Growers Association and Missouri Soybean Association; - Today, I'm obviously here to provide some comment on behalf of those organizations in general in support of this proposed rulemaking, 10 CSR 6.300. As it's been mentioned, this particular rulemaking is in direct response to House Bill 28 which was signed by the governor in 2013. That made a number of very significant changes to the permit process for CAFOs. That has certainly created some confusion over the last three years for stakeholders and for permittees, as the law certainly says something quite different

than the regulations as it relates to certain types of permits, specifically construction permits. So to the extent that we can get this rule moving forward and on the books quickly, that would certainly be good for everyone involved, and we encourage that to happen. In general, I don't have any specific technical comments and would just like to encourage that the rule be approved in July at the next meeting.

RESPONSE: No changes were made as a result of this comment.

COMMENT #4: Mr. Stephen Jeffery proposed additional language to 10 CSR 20-6.300(3)(E) that reads, "Balance sheet and income statement for the applicant prepared by a certified public accountant showing the applicant has sufficient assets to serve as a continuing authority in accordance with 10 CSR 20-6.010(3)." This would require that any applicant for a CAFO operating permit submit a balance sheet and an income statement prepared by a certified public accountant as part of its application package. The purpose of requiring these commonly utilized financial documents is for the applicant to provide "proof" that it is financially viable to operate, maintain, and modernize its proposed CAFO facility, as required by the continuing authority rule, 10 CSR 20-6.010(3).

RESPONSE: No changes were made as a result of this comment. Continuing authority requirements are contained in 10 CSR 20-6.010. Discussions and any proposed revisions to continuing authority requirements would need be addressed during stakeholder meeting(s) for the revision of that regulation.

COMMENT #5: Missouri Pork Producers (MPA) - Mo. Reg. pg. 310, paragraph (1)(B)19. - "Process Wastewater" definition. The definition has a new sentence at the end concerning water that "comes into contact with raw materials, products or byproducts feed, milk, eggs, or bedding." Although this sentence is found in the federal definition of process wastewater, this sentence was purposely omitted by the commission during the last rulemaking to prevent stormwater coming into contact with incidental dust from the operations (such as dust from ventilation fans, from being considered process wastewater). "Therefore, we request this sentence not be included - or if it is included, an additional sentence be added to clarify that dust outside barns cannot be the source of process wastewater."

RESPONSE: No changes were made as a result of this comment. The language referred to in this comment is being added to make the definition of "process wastewater" consistent with the definition in the federal regulations. The department continually monitors and updates inspection protocols to include regulatory and procedural changes to the extent they pertain to compliance inspections. The department uses discretion in determining the source of discharges whether they are process wastewater or stormwater.

COMMENT #6: Missouri Pork Producers (MPA) - Mo. Reg. pg. 310, paragraph (1)(B)23. - Why is the definition "Waste Management System" being added? Where did the definition come from? Should it be limited to the production areas? Does it also apply to land application areas?

RESPONSE: No changes were made as a result of this comment. The definition is being added because the term is used in regulations and in CAFO general permit templates. The term was defined originally in the MOG010000 and MOGS10000 general permit templates in 2013 as a result of a public comment. The definition does apply to production areas and land application areas.

COMMENT #7: Missouri Pork Producers (MPA) - Mo. Reg. pg. 311, subsection (2)(D) - Exemptions. The exemptions in subsection (D) should be retained, especially the exemptions for pilot projects and minor piping changes. If the exemptions are being transferred to 6.010, the department should issue guidance that these exemptions are being maintained and will be valid even if there is lag time before 6.010 is revised to include these exemptions.

RESPONSE: No changes were made as a result of this comment. The exemption for pilot or demonstration projects is already contained in 10 CSR 20-6.010(1)(B)8. The construction activity exemptions that are being removed do not require construction permit in accordance with section 644.051, RSMo.

COMMENT #8: Missouri Pork Producers (MPA) - Mo. Reg. pg. 312, paragraph (2)(E)2. refers to the requirements for an operating permit application. In subparagraph (2)(E)2.A., it requires the title page of an engineering report sealed by an engineer and a statement indicating the project was designed in accordance with the design regulation 8.300 and 6.300. This requirement is inconsistent with the requirements set forth in section 644.051, RSMo. Revisions to this section enacted by H.B. 28 (2013) do not require engineering documents be submitted to the MDNR, nor does it require that the engineering documents be sealed prior to the application for an operating permit being submitted to the MDNR. Therefore, a CAFO operator could apply for the operating permit, get the operating permit and then hire an engineer to design the facility and seal the plans.

RESPONSE AND EXPLANATION OF CHANGE: An engineer's seal is required to show compliance with section 644.051, RSMo. The Form W - Concentrated Animal Feeding Operation (CAFO) Permit Application also has a place for the engineer's seal that will also meet this requirement. Engineering documents are not required to be submitted with a CAFO operating permit application. Section 644.051, RSMo requires, "Any point source system designed to hold, convey, contain, store or treat domestic, agricultural, or industrial process wastewater shall be designed by a professional engineer registered in Missouri in accordance with the commissions design rules." This requirement is needed to show compliance with this statute. A permit cannot be issued to a facility that is not in compliance with the Missouri Clean Water Law and regulations. As a result of this comment, the language in paragraph (2)(E)2.A. has been revised to provide clarification.

COMMENT #9: Missouri Pork Producers (MPA) - Mo. Reg. pp. 311-312, subsection (2)(E). Does the engineer's seal apply only to the title page referenced in subparagraph (2)(F)2.A? Does the engineer's seal apply to any other subsections (2)(E)2.B. through F? If so, clarify.

RESPONSE AND EXPLANATION OF CHANGE: The engineer seal is to show compliance with section 644.051, RSMo and 10 CSR 20-8.300. The requirements in subparagraphs (2)(E)2.B.-D. are included in 10 CSR 20-8.300. Subparagraphs (2)(E)2.E.-F. are requirements in 10 CSR 20-6.300 and do not require an engineer seal.

COMMENT #10: Missouri Pork Producers (MPA) - Mo. Reg. pg. 312, part (2)(E)2.E.(II) state no-discharge permit. This paragraph requires applicants for a state no-discharge permit to submit a nutrient management plan (NMP). This is partially inconsistent with the application that says "export only" facilities do not need to submit an NMP. Does 6.300 make it clear that a state no-discharge permitted CAFO may change its NMP at any time without a need to amend the permit, or undergo neighbor notice or public notice?

RESPONSE: No changes were made as a result of this comment. Part (2)(E)2.E.(II) requires submission of an NMP with an application for a "new" state no-discharge permit (MOGS10000). 10 CSR 20-6.300(3)(G)1. requires all permitted operations to develop and implement an NMP that meets the requirement in 10 CSR 20-6.300(5). The current version of Form W - Concentrated Animal Feeding Operation (CAFO) Permit Application states, "If the operation is export only, completing Parts 5-11 meets this requirement." 10 CSR 20-6.300(5) requires any revisions to the NMP must be submitted to the department for review with the changes from the previous version identified for National Pollutant Discharge Elimination System (NPDES) permits only. A public notice is required if the NMP revisions result in substantial changes to the terms of the NMP

incorporated into an NPDES operating permit.

COMMENT #11: Missouri Pork Producers (MPA) - Mo. Reg. pg. 312, paragraph (2)(F)4. requires submission of an NMP when renewing an NPDES operating permit. To be clear, submission of an NMP is required when renewing a state no-discharge is not required?

RESPONSE: No changes were made as a result of this comment. Submission of a NMP is not required with the renewal of a state no-discharge permit.

COMMENT #12: Missouri Pork Producers (MPA) - Mo. Reg. pg. 313. What is the MDNR trying to clarify by adding new text in paragraph (3)(B)2.?

RESPONSE: No changes were made as a result of this comment. When an operation expands but does not increase in class size, the buffer distance is only applicable to the new confinement buildings and new lagoons. The existing confinement buildings and lagoons complied with the buffer distance at the time they were initially permitted. If an operation expands to a larger class size the buffer distance of the larger class size is applicable to all new and existing buildings and lagoons unless they were in existence prior to June 25, 1996.

COMMENT #13: Missouri Pork Producers (MPA) - Mo. Reg. pg. 314. Are state no-discharge permitted CAFOs required to submit an annual report? The annual report section seems to only require an annual report for NPDES operating permits.

RESPONSE: No changes were made as a result of this comment. The requirement for state no-discharge permittees to submit an annual report is included in the permit. This issue can be addressed during the next renewal of the MOGS10000 master general permit template, which expires on January 27, 2018.

COMMENT #14: Missouri Pork Producers (MPA) - Mo. Reg. pg. 315, paragraph (4)(A)2. This paragraph should be deleted. No-discharge operations do not have subsurface discharged so effluent limitations are not applicable.

RESPONSE: No changes were made as a result of this comment. The definition of "Waters of the state" in 10 CSR 20-2.010(82) includes both surface and subsurface waters. Any discharge to waters of the state that are not allowed for by an NPDES permit is a violation of Water Quality Standards and subject to compliance and enforcement actions.

COMMENT #15: Missouri Pork Producers (MPA) - General comment. Does 6.300 make it clear what the NMP requirements are for an export only facility? The MDNR has considered parts of the application to satisfy some of the NMP requirements. This may not be clear.

RESPONSE: No changes were made as a result of this comment. 10 CSR 20-6.300(3)(G)1. requires all permitted operations to develop and implement an NMP that meets the requirement in 10 CSR 20-6.300(5) and to incorporate the requirements in (3)(G)2., which is only required when manure, litter, or process wastewater is applied to land application areas as defined in 10 CSR 20-6.300(1)(B)13. Export only operations do not apply to land application areas. Therefore, their NMP is not required to comply with paragraph (3)(G)2. or subsections (G), (H), and (I) of 10 CSR 20-6.300(5).

COMMENT #16: Missouri Pork Producers (MPA) - General comment. The draft regulation seems to delete all references to a construction permit. What about CAFOs that propose to construct an earthen storage basin? What are the construction permit requirements?

RESPONSE: No changes were made as a result of this comment. All references to construction permit application requirements have been moved to 10 CSR 20-8.300. CAFOs that plan to construct an earthen basin are required to obtain a construction permit in accordance with

10 CSR 20-8.300.

10 CSR 20-6.300 Concentrated Animal Feeding Operations

(2) Applicability and Application for Coverage.

(E) Operating Permit Applications. This section describes the application process and requirements for CAFO operating permits. A separate application for each operating location must be submitted to the department.

1. The department will not examine the adequacy or efficiency of the structural, mechanical, or electrical components of the waste management systems, only adherence to rules and regulations. The issuance of permits will not include approval of such features.

2. Applications for general operating permits should be submitted at least ninety (90) days prior to the start of operation. Applications for site-specific operating permits shall be submitted at least one hundred eighty (180) days prior to the start of operation. The application shall include at a minimum the following documents:

A. Title page of engineering report or similar document sealed by a professional engineer including name of the operation, date the report was prepared, name and address of firm preparing the report, seal and signature of the engineer, and a statement indicating the project was designed in accordance with 10 CSR 20-8.300;

B. Narrative project summary. This shall describe the existing and any proposed modifications to operating conditions including the number of confinement buildings or areas, the total design capacity in animal units and actual animal numbers for each type of animal, and an explanation of the existing and/or proposed modifications to the waste management system;

C. Include the amount of manure generated annually, storage volume, and days of storage of all manure storage structures, including mortality composters;

D. A recent aerial or topographic map showing the extent of the production area including;

(I) All existing and proposed confinement buildings, open lots, manure storage structures;

(II) Surface waters and areas subject to a one hundred (100) year flood event within or adjacent to the production area; and

(III) Production area setback distances in accordance with 10 CSR 20-8.300(5)(B);

E. Nutrient Management Plan—

(I) NPDES permit – applications shall include the operations' nutrient management plan; or

(II) State no-discharge permit – applications for a new permit shall include the operations' nutrient management plan;

F. Applications for Class I CAFOs shall also include:

(I) An aerial or topographic map that meets the requirement of 10 CSR 20-6.300(3)(C)4.;

(II) Proof of neighbor notice to all parties listed in 10 CSR 20-6.300(3)(C)2.

3. For renewal of NPDES operating permits, a copy of the operations nutrient management plan shall be submitted if it has not previously been submitted.

4. When an application is submitted incomplete or any of the required permit documents are deficient, or if additional information is needed including, but not limited to, engineering design plans, the department will act in one (1) of the following ways:

A. The department may return the entire permit application back to the applicant for re-submittal; or

B. The applicant and/or the applicant's engineer will be notified of the deficiency and will be provided time to address department comments and submit corrections. Processing of the application may be placed on hold until the applicant has corrected identified deficiencies.

5. Applicants who fail to correct deficiencies and/or fail to satisfy all department comments after two (2) certified department comment letters shall have the application returned as incomplete and the permit fee(s) shall be forfeited. The department will grant reasonable

time extensions when the applicant requests additional time to respond to department comments, however, such requests must be in writing and must occur within the time frame set by the department.

6. When the department has received all documents and information necessary for a properly completed operating permit application, including appropriate permit fees, the department will, review the application and said documents for compliance with this regulation and 10 CSR 20-8.300 and, if met, act in one (1) of the following ways:

A. For an operation seeking coverage under the state no-discharge general operating permit the department will issue the state no-discharge general operating permit; or

B. For an operation seeking coverage under the NPDES operating permit the department will post for fifteen (15) days on the department's webpage a notice of the pending CAFO NPDES permit. The notice will include an announcement of the opportunity for public review and comment on the CAFO's nutrient management plan and draft NPDES permit. The department will consider all comments before issuing the operating permit.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 20—Clean Water Commission
Chapter 8—Design Guides

ORDER OF RULEMAKING

By the authority vested in the Clean Water Commission under section 644.026, RSMo Supp. 2014, the Clean Water Commission amends a rule as follows:

10 CSR 20-8.300 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2016 (41 MoReg 322-331). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on the proposed amendment on April 6, 2016. The public comment period ended on May 18, 2016. At the public hearing the Missouri Department of Natural Resources (department) staff explained the proposed amendment. Comments were provided by Robert Brundage (Newman, Comley & Ruth P.C., Missouri Pork Producers), Darrick Steen (Missouri Soybean Association and Missouri Corn Growers Association), and Stephen Jeffrey (Jeffrey Law Group LLC, Hickory Neighbors). Samuel Leake (Clean Water Commissioner) also noted a math error in the proposed fiscal note.

COMMENT #1: Robert Brundage expressed his general support for the amendment and asked that the rulemaking move forward.

RESPONSE: The department appreciates the support. No change has been made as a result of this comment.

COMMENT #2: Commissioner Leake questioned the language in paragraph (5)(B)5. regarding excluding runoff "whenever possible," noting that the requirement was unclear. In response to this question, Darrick Steen explained that the intent of the rule was to avoid adding this additional water to the lagoon wherever practical and if the water is not excluded then this volume will have to be managed.

RESPONSE AND EXPLANATION OF CHANGE: To make sure the rule is clear, language in (5)(B)5. was revised so that the diversion of stormwater from entering the lagoon is clear.

COMMENT #3: The Missouri Pork Association suggested that valves not be required for gravity piping that serve flow into the basin.

RESPONSE AND EXPLANATION OF CHANGE: The proper design of this piping does not require valves for gravity piping that flows into the basin. Rule language was added to subsection (6)(O) to make this clear.

COMMENT #4: The Missouri Pork Association recommended that the minimum pipe slope of one percent (1%) be replaced with minimum slope requirements based on the size of the pipe being installed. **RESPONSE AND EXPLANATION OF CHANGE:** The department has changed the rule to be consistent with guidance elsewhere in Chapter 8. Paragraph (10)(B)1. has been revised to require a minimum pipe slope in gravity pipelines of 1 for 4-inch pipe, 0.6 for 6-inch pipe, and 0.4% for 8-inch pipes.

COMMENT #5: Stephen Jeffrey recommended amending section (4) to require certification from a licensed professional engineer that the production area be protected from inundation by the 100-year flood; that any structure relied upon to provide such protection will not result in an increase of more than one (1) foot in the base flood elevations; and that the lowest floor in structures located within 300 feet of a special flood hazard area be located at or above the base flood elevation.

RESPONSE: The suggested change is not within the scope of this rulemaking. The changes to section (4) in the proposed rule amendment were limited to rule re-numbering and the deletion of an unnecessary phrase. The issues regarding inundation were not discussed in stakeholder meetings nor raised prior to public hearing. This comment may be considered in future rulemakings.

COMMENT #6: The Missouri Pork Association suggested removing a reference to the "Hog Bill" from subsection (1)(A).

RESPONSE: No changes to section (1)(A) were proposed. Therefore, no changes to the language are possible because it is beyond the scope of this rule amendment. The rule properly mentions the appropriate statute and the removal of the reference to the "Hog Bill" may be considered in future rule revisions.

COMMENT #7: The Missouri Pork Association questioned why the definition of the Nutrient Management Technical Standard (NMTS) was deleted.

RESPONSE: No change has been made as a result of this comment. The NMTS is a document that has been approved by the CWC and is incorporated by reference in 6.300. It is not a design requirement but provides guidance to developing a nutrient management plan.

COMMENT #8: The Missouri Pork Association questioned the need for so many new definitions.

RESPONSE: The new definitions were proposed to help clarify design requirements, are necessary for permit application review, and needed for the department's permit tracking system. In many cases they were added so that applicants would be clear about particular elements that need to be included as part of their application or are specifically needed for permit review. No changes were made to the rule as a result of this comment.

COMMENT #9: The Missouri Pork Association suggested changing the wording in (2)(D) from "obstruct" to "discourage".

RESPONSE: No changes to section (2)(D) were proposed. Therefore, no changes to the language are possible because it is beyond the scope of this rule amendment. The suggested change would serve to improve the clarity of the rule and this comment may be considered in future rule revisions.

COMMENT #10: The Missouri Pork Association suggested defining the term "earthen basin" including that they are not structures that hold stormwater, process wastewater, nor are they secondary containment structures.

RESPONSE: This term "earthen basin" is broadly applicable to

structures that are constructed from soils or other native materials. No changes were made to the rule as a result of this comment.

COMMENT #11: The Missouri Pork Association questioned the purpose of requiring soils information and the effect on design and operation.

RESPONSE: Soils information is needed to determine the suitability and limitations that exist for the design and construction of certain structures. Soils information, as prepared by USDA-Natural Resources Conservation Service, is readily available from various sources at no charge. No change was made to the rule as a result of this comment.

COMMENT #12: The Missouri Pork Association questioned why “(4) Revisions to Approved Plans” was deleted.

RESPONSE: The process by which construction permits are obtained is detailed in sections (2) and (4) of 10 CSR 20-6.010 Construction and Operating Permits. Deviations from the design requirements and construction permit application revisions are specifically addressed in 10 CSR 20-6.010. The revised proposed purpose statement for 10 CSR 20-8.300 specifically mentions deviations. For these reasons, section (4) was found to be redundant and not necessary. No changes were made to the rule as a result of this comment.

COMMENT #13: The Missouri Pork Association questioned what the differences are between waste treatment and storage lagoons.

RESPONSE: Lagoons are classified based on their storage capacity; storage lagoons have a minimum capacity of one hundred eighty (180) days storage period, waste treatment lagoons have a minimum capacity of three hundred sixty-five (365) day storage period. No changes were made as a result of this comment.

COMMENT #14: The Missouri Pork Association proposed changing the wording in (5)(B)5. from “exclude” to “divert” and renumbering within this section

RESPONSE AND EXPLANATION OF CHANGE: The suggested language change was made. The new language makes the intention of this provision clearer. The numbering of the rule has also been changed according to acceptable rulemaking practice.

COMMENT #15: The Missouri Pork Association questioned the purpose of adding the safety requirement to section (7) and suggested being more specific in regards to safety design or eliminating it from this rule since the Occupational Safety and Health Act regulates safety, not the department.

RESPONSE: It is prudent to consider safety issues at the time of design, and there have been times that department engineers have noticed opportunities to improve the safety of a design that was found to be helpful. This element was included in the proposed rule language based on a suggestion made by a stakeholder. There are no specific requirements, e.g. for fencing lagoons, other than addressing safety at each site as needed per structure type. No changes were made to the rule as a result of this comment.

COMMENT #16: The Missouri Pork Association suggested that the 300 foot setback distance from water supply wells be from “down-gradient” wells.

RESPONSE: This requirement is found in section (2) of 10 CSR 23-3.010 Location of Wells. To be consistent, the general 300 foot setback distance has been retained.

COMMENT #17: The Missouri Pork Association recommended using the term “earthen basin” consistently throughout the rule and asked for the source of the added definitions for manure storage structure, safety volume, storage lagoon, total storage capacity, treatment volume, waste treatment lagoon, wastewater, and wastewater flow.

RESPONSE AND EXPLANATION OF CHANGE: References to earthen storage structures have been changed to earthen basin and the term “manure storage structure” has been used consistently throughout the rule. The new definitions are for clarity for engineers in what information is needed in their designs.

COMMENT #18: The Missouri Pork Association suggested that the introductory paragraph in section (3) is confusing with respect to applicability.

RESPONSE AND EXPLANATION OF CHANGE: Language was added to sections (2) and (3) to add clarity. In accordance with section 644.051, RSMo construction permits are only required for facilities that are constructing earthen basins. However, new facilities that do not involve the construction of earthen basins are still required to follow all of the design requirements in 10 CSR 20-8.300. For those applicants that are not constructing an earthen basin and do not need to obtain a construction permit, 10 CSR 20-6.300 Concentrated Animal Feeding Operations is being concurrently amended to require that the operating permit application includes a professional engineer’s certification that the facility has been designed in accordance with the requirements of 10 CSR 20-8.300.

COMMENT #19: The Missouri Pork Association recommended defining the term “when applicable” in (3)(B)2. and stated that the Missouri Geological Survey is not qualified to give engineering advice, therefore applicants should not have to incorporate their recommendations in their plans.

RESPONSE AND EXPLANATION OF CHANGE: The Missouri Geological Survey does not provide engineering advice. They do, however, identify site limitations upon which structures may be constructed. Language was added to the rule to make it clear that the engineering plans must be developed using the full consideration of the site limitations that are provided by the Missouri Geological Survey when they conduct a hydrogeologic evaluation.

COMMENT #20: The Missouri Pork Association requested there be a discussion added to section (7) on how to appeal an evaluation from the Missouri Geological Survey and questioned when the Water Protection Program can ignore, amend, or revise the geohydrologic evaluations.

RESPONSE: Hydrogeologic evaluations prepared by the Missouri Geological Survey are not final actions by the department. These evaluations can be appealed as part of a final permit action, whether it involves the appeal of a permit or the appeal of a permit denial. 10 CSR 20-6.020 Public Participation, Hearings and Notice to Government Agencies includes provisions regarding permit appeals.

COMMENT #21: The Missouri Pork Association suggested that DNR not require operation and maintenance plans since nutrient management plans are substantially equivalent to an operation and maintenance plan.

RESPONSE: Detailed nutrient management plans are not required for facilities that export all wastewater. Whereas there is some potential overlap, the NMP is related to protecting water quality whereas the O&M plan pertains to operating and maintenance procedures of the facility. No change was made to the rule as a result of this comment.

COMMENT #22: The Missouri Pork Association noted that DNR does not have the authority to regulate stockpiling in fields and that it is an operational requirement rather than a design requirement.

RESPONSE: It is appropriate for the regulation to include provisions that regulate the temporary stockpiling of dry process waste when an applicant knows or anticipates that their design will involve this stockpiling. The regulation specifies a number of design criteria including setback distances and slope requirements. There were no changes made to the rule as a result of this comment. It is important to note that there will be times that temporary stockpiles of dry waste

may have to be accommodated after a facility has been constructed. In these cases the operational requirements of 10 CSR 20-6.300 will apply, along with any specific permit conditions.

COMMENT #23: Commissioner Samuel Leake noted a math error in the fiscal note. This error was a multiplication mistake in the cost savings portion of the note.

RESPONSE AND EXPLANATION OF CHANGE: This error has been corrected and the revised fiscal note will appear at the end of the final order of rulemaking.

10 CSR 20-8.300 Manure Storage Design Regulations

(1) Definitions.

(B) Other applicable definitions are as follows:

1. Design storage period—The calculated number of days that will fill the manure storage structure from the lower to the upper operating level for a covered storage structure or from the lower to the upper operating level for an uncovered, liquid storage structure during a period of average rainfall minus evaporation (R-E).

A. For a design storage period of fewer than three hundred sixty-five (365) days, the largest consecutive average monthly R-E, corresponding with the number of months of the storage period, shall be used.

B. For multiple storage stages, the storage period is the sum of available storage days in each stage.

C. For covered liquid manure storage structures, the upper operating level is one foot (1') below the top of the structure;

2. Freeboard—The elevation difference between the bottom of the spillway to the top of the berm for an earthen basin;

3. Groundwater table—The seasonal high water level occurring beneath the surface of the ground, including underground watercourses, artesian basins, underground reservoirs and lakes, aquifers, other bodies of water located below the surface of the ground, and water in the saturated zone. For the purposes of this rule, groundwater table does not include the perched water table;

4. Manure—The fecal and urinary excretion of animals;

5. Manure storage structure—A fabricated structure or earthen basin used to store manure, litter, and/or process wastewater;

6. Rainfall minus evaporation (R-E)—The average depth of monthly liquid precipitation minus evaporation as published in the most recent *National Weather Service Climate Atlas* for the geographical region of the proposed structure;

7. Safety depth—One foot (1') of liquid depth or the depth needed to hold the volume of the ten- (10-) year, ten- (10-) day storm, whichever is greater;

8. Solid manure—Manure that can be stacked without free flowing liquids;

9. Safety volume—The volume of wastewater stored between the upper pumpdown and emergency spillway crest;

10. Storage lagoon—A lagoon that does not have adequate volume to accomplish treatment;

11. Storage volume—The volume of manure, runoff, washwater, rainfall, and additional water sources between the lower and upper operating levels;

12. Ten- (10-) year, ten- (10-) day storm—The depth of rainfall occurring in a ten- (10-) day duration over a ten- (10-) year return frequency as defined by the most recent publication of the *National Weather Service Climate Atlas* for the geographical region of the proposed manure storage structure;

13. Total storage capacity—The combined volume of storage and safety volumes stored between the lower pumpdown level and emergency spillway crest;

14. Treatment volume—The permanent volume maintained below the lower pumpdown designed for anaerobic treatment of manure based on latitude;

15. Waste treatment lagoon—A lagoon that is sized to have three hundred sixty-five (365) days of storage volume and adequate treat-

ment volume;

16. Wastewater—A combination of manure, washwater, runoff, rainfall, and process wastewater; and

17. Wastewater flow—The annual rate of wastewater contributed to an animal waste management system.

(2) General.

(A) Applicability. This rule shall apply to all new or expanding Concentrated Animal Feeding Operations (CAFOs), however, only those applicants that are constructing earthen basins need to obtain construction permits.

(3) Permit Application Documents. Applicants for a construction permit for earthen basins shall include one (1) set of documents described in this section for department approval as part of the construction permit application process. Applicants who are not constructing earthen basins and are seeking an operating permit shall develop and maintain these documents and submit those required in 10 CSR 20-6.300. The engineering documents shall provide the basic information, present design criteria and assumptions, examine alternate systems, where appropriate, and provide plans and specifications. The documents shall also include process description, sizing, data, controlling assumptions, and considerations for the functional operation of an animal waste management system. All engineering documents shall be prepared by or under the direct supervision of a registered professional engineer licensed to practice in Missouri. The department will not examine the adequacy or efficiency of the structural, mechanical, or electrical components of the animal waste management systems, only adherence to rules and regulations.

(A) Engineering report—The following paragraphs list requirements for the content of the project engineering report to be submitted to the department for review and approval:

1. Title page. Title of project, date, operation's name and address, name and address of firm preparing the report, and seal and signature of the engineer;

2. Project location map. This map shall include state and county roads, county boundaries, and city boundaries, and show the location of the proposed project;

3. Narrative project summary. Provide an explanation of any existing conditions at the operation and a summary of the proposed modifications to the operation;

4. Summary of design. This section should include the design data, calculations, all assumptions, and all relevant information used to justify the design. If the engineering documents contain known deviations from the design criteria contained in this rule, documentation and justification for the deviation should be submitted with the design criteria. The following items should be included:

A. Each animal type and number within the production area, the maximum design animal capacity, and the average weight for each animal type;

B. A detailed explanation of the process by which manure is deposited, handled, managed, and transferred within the operation;

C. Calculations showing the estimated annual amount of manure generated at the production area and wastewater flows with average rainfall. Where possible, design manure volume shall be based on past operating records or operating data from facilities with similar feed inputs and animal characteristics. Documentation of these volumes shall be included. If operating data is not available, the design manure volume shall be estimated using the most recent edition of a research based reference. The reference name, edition, and data shall be included;

D. Design calculations justifying the size of manure storage structures. This includes safety volume, storage volume, total storage capacity, design storage period, and treatment volume. For waste treatment lagoons, the volume of treatment shall be based on the geographical region of the proposed structure and calculated using the most recent edition of a research-based reference. The reference name, edition, and data shall be included;

E. Stage-storage tables on at least one-foot (1') increments for all earthen basins with design operating depths (elevation of lower and upper pumpdown levels) shall be clearly identified;

F. Collection, treatment, and disposal of all domestic wastewater flows associated with the operation; and

G. If applicable, justifications for constructing an uncovered manure storage structure. Covered storages are preferred due to the lower risk of environmental damage from excessive rainfall;

5. Soils report/soils information. The engineering report shall contain county soil survey information for the soil types and characteristics of the production areas. Unless required otherwise by the department, soils information shall include soil series name, soil textural class, and physical properties and water features for earthen basins and solid manure components. The soils map shall show approximate boundaries of the different soils. When applicable, the design of all structures shall be sufficient to address the site limitations identified by the Missouri Geological Survey and should be discussed in the engineering report. Any soil boring or test pit logs shall also be included in the report; and

6. Operation and maintenance plan—An operation and maintenance plan shall be provided to explain the key operating procedures. At a minimum, the plan shall address operation and maintenance of mechanical equipment.

(B) General layout drawings. Plans shall include both an aerial and a topographic map or drawing that shows the spatial location and extent of the production area. Each drawing or map must be easily readable and include a visual scale, preferably one inch (1") per one thousand feet (1,000'), a north directional arrow, a fixed geographic reference point, and the date the drawing or map was completed. Each drawing or map shall include the following:

1. All confinement barns, open lots, manure storage, and control structures, along with the other various components of the operation such as areas designated for stockpiling, composting, and for the management of animal mortalities;

2. The source of the operation's water supply and all wells within three hundred feet (300') of the production area; and

3. The location of all surface water features within the boundaries or immediately adjacent to the production area.

(C) Construction plan drawings. Plan drawings shall include the following:

1. The name of the operation and the scale in feet, a graphic scale, a north directional arrow, and the signed and dated engineer's seal;

2. The plans shall be clear and legible. They shall be drawn to a scale which will permit all necessary information to be plainly shown. The size of the plans generally should not be larger than thirty inches by forty-two inches (30" × 42"), with a preference for smaller sizes;

3. Locations of all test borings with date shall be shown on the plans;

4. Detail plans shall consist of plan views, elevation views, profiles, sections, and supplementary views which, together with the specifications and general layouts, provide the working information for the construction of the containment facilities; and

5. Include dimensions and relative elevations of manure storage structures, the location of components of the animal waste management system, alignment and size of piping, and profiles of piping with grades.

(D) Specifications. When specifically directed by the department, technical specifications shall accompany the plans.

(4) Location.

(C) Distances from earthen basins shall be measured from the outside edge of the top of the berm.

(5) Manure Storage Structure Sizing.

(B) Design Storage Period.

1. The recommended design storage period is three hundred

sixty-five (365) days.

2. The minimum design storage period for liquid manure, solid manure, and dry process waste to be land applied is one hundred eighty (180) days.

3. Solid manure and dry process waste to be sold or used as bedding shall have a minimum design storage period of ninety (90) days unless justification is given for a shorter time period.

4. The minimum design storage period for waste treatment lagoons without an impermeable cover is three hundred sixty-five (365) days.

5. Stormwater runoff from the production area will be diverted from lagoons as possible.

(6) Construction of Earthen basins.

(O) Piping. Piping through the lagoon berm shall be located at a point of minimum fill, preferably on cut slope, and must be valved. Valves are not required on gravity piping into the lagoon.

(10) Design and Construction of Pipelines, Pump Stations, and Land Application Systems.

(B) Gravity Pipelines.

1. The minimum slope for a gravity pipe installation is one percent (1%) for four inch (4") pipe, six-tenths percent (0.6%) for six inch (6") pipe, and four-tenths percent (0.4%) for eight inch (8") pipe.

2. Clean-out access shall be provided for gravity pipelines at a maximum interval of three hundred feet (300') unless an alternative design is approved. Gravity pipelines shall not have horizontal curves or bends except minor deflections (less than ten (10) degrees) in the pipe joints unless special design considerations are used.

3. Gravity discharge pipes used for emptying a storage/treatment structure shall have a minimum of two (2) gates or valves in series, one (1) of which shall be manually operated.

REVISED PRIVATE COST: The aggregate net cost increase was estimated to be ten thousand one hundred thirty dollars (\$10,130) versus seven thousand nine hundred seventy dollars (\$7,970), which was submitted with the original proposal.

FISCAL NOTE

PRIVATE COST

I. RULE NUMBER

Rule Number and Name	<i>10 CSR 20-8.300 Manure Storage Design Regulations</i>
Type of Rulemaking	<i>Proposed Rule Amendment</i>

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
One facility per year	541330 Engineering services 112112 Cattle Feedlots 112210 Hog and Pig Farming 112420 Goat Farming 112410 Sheep Farming 112120 Dairy Cattle and Milk Production 112320 Broilers and Other Meat Type Chicken Production 112310 Chicken Egg Production 112330 Turkey Production 112340 Poultry Hatcheries 112390 Other Poultry Production 112920 Horses and Other Equine Production	\$10,130 increase

III. WORKSHEET

The revisions to 10 CSR 20-8.300 *Manure Storage Design Regulations* will:

- 1) improve and add several definitions
- 2) clarify regarding the items required in an application for engineering review
- 3) remove nutrient management plan requirements that are redundant with the requirements of 10 CSR 20-6.300 Confined Animal Feeding Operations
- 4) change design requirements for lagoons
- 5) make a name change of Missouri Geological Survey

COST SAVINGS:

Fewer hours needed for preparing application/plans

$$2 \text{ hours/application} \times \$120.00/\text{hour (engineering fee)} \times 1 \text{ application} = \$240 \text{ savings}$$

COST INCREASES:

Increased number of yards needed in lagoon berms

$$17,000 \text{ cubic yards} \times 0.2 \times \$ 3.05/\text{cy} \times 1 \text{ application} = \$10,370 \text{ increased cost}$$

TOTAL COST INCREASES	\$10,370
<u>TOTAL COST SAVINGS</u>	<u>\$ 240</u>
TOTAL NET COST INCREASE	\$10,130

IV. ASSUMPTIONS

1. An annualized aggregate cost of this rulemaking is used for the purposes of providing the aggregate cost for the life of the rule. The annualized aggregate cost is the agency estimate of the average costs that will be incurred in any future year, no matter how far distant. For convenience of calculating this fiscal note over a reasonable time period, the life of the rule is assumed to be indefinite. If the life of the rule extends beyond 1 year, the annual costs for additional years will be consistent with the assumptions used to calculate annual costs as identified in this fiscal note.
2. The number of animal waste lagoons being constructed has dropped in the last 20 years with the industry standard for swine facilities changing to the use of deep pit systems. This trend may see a reversal with the increased interest in biogas collection from covered lagoons.

Lagoons are commonly used on dairy operations however we receive very few construction permit applications for new or expanding dairies. Therefore no additional applications are calculated in for dairy. At this point we only anticipate receiving 1 application per year for a lagoon or lagoon system from the integrators.

3. With fewer requirements in the engineering report, the engineer will use 2 fewer hours to complete the design. Engineering fees are based on a Deltek Axiom 2011 survey median for engineering billing rates <https://www.axium.com/blog/architecture-and-engineering-billing-rate-trends/>.
4. Top widths will increase by at least two times based on fill heights. This increase will increase the total yardage in lagoon berms by a factor of 0.2. An average yardage value of 17,000 cy was used at a construction rate of \$3.05 per cubic yard. This cost was gleaned from data collected annually by the NRCS.
5. The net cost of compliance was calculated without applying a factor for inflation.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 40—Comprehensive Emergency Medical Services
Systems Regulations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Health and Senior Services under sections 190.131 and 190.185, RSMo Supp. 2013, the department amends a rule as follows:

19 CSR 30-40.331 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2016 (41 MoReg 495-496). Changes have been made in the text of the proposed amendment, so it is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Health and Senior Services received eleven (11) comments.

COMMENT #1: Dr. Lynthia B. Andrews, Chair of the State Advisory Council on Emergency Medical Services; Frank Foster; Virginia Wilson, President of the I/C Society; Shane Lockard, President of the Missouri Ambulance Association; Brad Mason with the Mid-America Regional Council Emergency Rescue; Ruby Mehrer, President of the Missouri Emergency Medical Services Association; B. Scott Roy, President of the Ambulance District Association of Missouri; Charles Doss; Bryant Gladney with the Boone County Fire Protection District; George W. Hatch, Jr. with the Committee on Accreditation of Educational Programs for the Emergency Medical Services Professions; and Terisa M. McGinnis with the Central Jackson County Fire Protection District request that the department allow the training entities to individually assess the EMT-Intermediate and EMT-Paramedic students' military training and award these students advanced placement credit for competencies they have already demonstrated. These individuals and entities believe this type of advanced placement would be consistent with that used in higher education and as allowed for by the Committee on Accreditation of Educational Programs for the Emergency Medical Services Professions. The Committee on Accreditation of Educational Programs for the Emergency Medical Services Professions requires all programs accredited by it to have a policy on advanced placement, transfer of credits, and credits for experiential learning. The National Registry of Emergency Medical Technicians requires all paramedic examination candidates who test with it to have graduated from an institution accredited by the Commission on Accreditation of Allied Health Education Programs or one that is seeking accreditation sponsored by the Commission on Accreditation of Allied Health Education Programs. Currently, the only nationally recognized accreditation available for Emergency Medical Services education is through the Commission on Accreditation of Allied Health Education Programs' Committee on Accreditation of Educational Programs for the Emergency Medical Services Professions. Brad Mason with the Mid-America Regional Council Emergency Rescue specifically requests for the department to use the Committee on Accreditation of Educational Programs for the Emergency Medical Services Professions' definition of Advanced Placement.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and has made this change to 19 CSR 30-40.331 by incorporating the advanced placement language for EMT-Intermediate or EMT-Paramedic students who are current or past members of the United States Armed Forces including National Guard and Reserves. The department has also included the definition of advanced placement that has already been created by the Committee on

Accreditation of Educational Programs for the Emergency Medical Services Professions. The department has omitted the language allowing for EMT-Intermediate or EMT-Paramedic students who are current or past members of the United States Armed Forces including National Guard and Reserves to take final written and practical examinations from training entities for the EMT-Intermediate or EMT-Paramedic programs. The department has also omitted the language allowing EMT-Intermediate or EMT-Paramedic students who are current or past members of the United States Armed Forces including National Guard and Reserves to be required to take half of the number of hours of clinical experience in a clinical setting with a Missouri licensed ambulance service and half of the required number of clinical hours in a health care facility.

COMMENT #2: Dr. Lynthia B. Andrews, Chair of the State Advisory Council on Emergency Medical Services; Frank Foster; Virginia Wilson, President of the I/C Society; Shane Lockard, President of the Missouri Ambulance Association; Brad Mason with the Mid-America Regional Council Emergency Rescue; Ruby Mehrer, President of the Missouri Emergency Medical Services Association; Charles Doss; Bryant Gladney with the Boone County Fire Protection District; and Terisa M. McGinnis with the Central Jackson County Fire Protection District are concerned that the department issuing a state license to EMT-Intermediates and EMT-Paramedics who have successfully passed the required final written and practical examinations and the clinical hours and experience will not make them as easy to be employed as those EMT-Intermediate and EMT-Paramedic students who have passed the National Registry of Emergency Medical Technicians' examination and become certified by the National Registry of Emergency Medical Technicians. These individuals and entities are also concerned that a license issued by the department will not be as easy for the EMT-Intermediate and EMT-Paramedic students who successfully passed the required final written and practical examination and the clinical hours and experience to relocate to other states since they do not have a certification with the National Registry of Emergency Medical Technicians. These individuals and entities would like the EMT-Paramedic and EMT-Intermediate students to be able to qualify to sit for the National Registry of Emergency Medical Technicians' examination in order to be certified by the National Registry of Emergency Medical Technicians instead of having only a "second class" license from the department without the National Registry of Emergency Medical Technicians' certification. Dr. Andrews, Chair of the State Advisory Council on Emergency Medical Services, believes that the successful passage of the National Registry exam ensures qualified EMT-Paramedics into the job market. Dr. Andrews, Chair of the State Advisory Council on Emergency Medical Services, believes that EMT-Intermediates and EMT-Paramedics will also want to further their education to gain a National Registry of Emergency Medical Technicians' certification.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and has made this change to 19 CSR 30-40.331 by incorporating the advanced placement language for the EMT-Intermediate or EMT-Paramedic students who are current or past members of the United States Armed Forces including National Guard and Reserves. This advanced placement language will allow the EMT-Intermediate or EMT-Paramedic students to be able to sit for the National Registry of Emergency Medical Technicians examinations and apply for certification as an EMT-Intermediate or EMT-Paramedic from the National Registry of Emergency Medical Technicians.

COMMENT #3: Virginia Wilson, President of the I/C Society requests that the EMT-Paramedic or EMT-Intermediate veteran should become a registered student with the training entity rather than the student using a shortcut process with the training entity.

RESPONSE: There is nothing in the proposed amendment that prohibits the training entities from registering the students. The department has made no changes as a result of this comment.

19 CSR 30-40.331 Application and Accreditation or Certification Requirements for Training Entities that Conduct Training for First Responders, Emergency Medical Dispatchers, Emergency Medical Technicians-Basic, Emergency Medical Technicians-Intermediate, and Emergency Medical Technicians-Paramedic

(2) Specific Requirements for EMS Training Entities Offering Initial EMT-P Courses and EMT-I Courses.

(N) United States Armed Forces Including National Guard and Reserves Option for EMT-I and EMT-P course requirements.

1. An EMT-B licensee that was issued a license by the EMS Bureau pursuant to 19 CSR 30-40.342(2)(A) and section (3) indicating the licensee is a current or past member of the United States Armed Forces including National Guard and Reserves and has met the EMS Bureau's requirements for this license may present this license to a training entity certified by the EMS Bureau within two (2) years of the date of their honorable discharge if the licensee is a past member of the United States Armed Forces including National Guard and Reserves or at any time that the licensee is a current member of the United States Armed Forces including National Guard and Reserves.

2. The EMT-B licensee may request the training entity for the EMT-P or EMT-I programs evaluate their military training for advanced placement credit to determine which competencies have been met through their military training. The training entity shall allow the EMT-B licensee's military training to be assessed for competencies through advanced placement if the EMT-B licensee presents an EMT-B United States Armed Forces license from the EMS Bureau indicating the licensee is a current or past member of the United States Armed Forces including National Guard and Reserves and has met the requirements in 19 CSR 30-40.342(2)(A) and section (3). Advanced placement is any process where a program formally recognizes prior learning of a student and applies that recognition toward meeting the program requirements. Advanced placement shall be applied on a case-by-case basis and allows a student to "place out" of specified program didactic, laboratory, clinical, or field requirements. This may shorten the time for completion of the program and is often thought of as an alternative pathway to program completion and eligibility for the National Registry of Emergency Medical Technicians or state examination at the paramedic level. The EMT-P and EMT-I training entities shall use the minimum training requirements for the appropriate licensure level in subsection (2)(L) above for the EMT-P program and subsection (2)(M) above for the EMT-I program to determine what the EMT-B licensee will place out of following the advanced placement review of the EMT-B licensee's military training. The EMT-B licensee shall complete all of the minimum training requirements for the appropriate licensure level in subsection (2)(L) above for the EMT-P program and subsection (2)(M) above for the EMT-I program that the EMT-B licensee is not awarded credit for through the advanced placement assessment of the EMT-B licensee's military training.

(9) Initial licensure examination for EMT-B, EMT-Intermediate, and EMT-Paramedic.

(A) The EMS Bureau shall use the National Registry of EMTs examination process as the basis for initial licensure examinations for all levels of EMTs. The EMT-Basic exam conducted in Missouri is considered "the state approved practical examination" by the National Registry of Emergency Medical Technicians. It shall serve as the state of Missouri's examination used for National Registry of EMT's certification as an EMT-Basic.

1. Any student of an accredited Missouri EMT-Basic program shall complete the EMT-B practical examination in Missouri.

2. If a student from a Missouri accredited EMT-B program attempts a state approved exam outside the state of Missouri, that student shall complete all practical testing in that state and shall be ineligible from completing the Missouri EMT-B practical examination.

3. EMT-I and EMT-P candidates shall complete the National Registry of EMTs practical exam in Missouri or at an approved National Registry of EMTs' Advanced Level exam site in another state.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

**Division 30—Division of Regulation and Licensure
Chapter 40—Comprehensive Emergency Medical Services Systems Regulations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Health and Senior Services under sections 190.142, 190.160, 190.165, and 190.185, RSMo Supp. 2013, the department amends a rule as follows:

19 CSR 30-40.342 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2016 (41 MoReg 496-502). Changes have been made in the text of the proposed amendment, so it is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Health and Senior Services received comments from eleven (11) individuals, and one (1) comment was made by department staff.

COMMENT #1: Dr. Lynthia B. Andrews, Chair of the State Advisory Council on EMS; Frank Foster; Virginia Wilson, President of the I/C Society; Shane Lockard, President of the Missouri Ambulance Association; Brad Mason with the Mid-America Regional Council Emergency Rescue; Ruby Mehrer, President of the Missouri Emergency Medical Services Association; B. Scott Roy, President of the Ambulance District Association of Missouri; Charles Doss; Bryant Gladney with Boone County Fire Protection District; George W. Hatch, Jr. with the Committee on Accreditation of Educational Programs for the Emergency Medical Services Professions; and Terisa M. McGinnis with the Central Jackson County Fire Protection District request that the department allow the training entities to individually assess the EMT-Intermediate and EMT-Paramedic students' military training and award these students advanced placement credit for competencies they have already demonstrated. These individuals and entities comment that this type of advanced placement would be consistent with advanced placement used in higher education and as allowed for by the Committee on Accreditation of Educational Programs for the Emergency Medical Services Professions. The Committee on Accreditation of Educational Programs for the Emergency Medical Services Professions requires all programs accredited by it to have a policy on advanced placement, transfer of credits, and credits for experiential learning. The National Registry of Emergency Medical Technicians requires all paramedic examination candidates who test with it to have graduated from an institution accredited by the Commission on Accreditation of Allied Health Education Programs or one that is seeking accreditation sponsored by the Commission on Accreditation of Allied Health Education Programs. Currently, the only nationally recognized accreditation available for Emergency Medical Services education is through the Commission on Accreditation of Allied Health Education Programs' Committee on Accreditation of Educational Programs for the Emergency Medical Services Professions. Brad Mason with the Mid-America Regional Council Emergency Rescue specifically requests for the department to use the definition of advanced placement that has already been created by the Committee on Accreditation of Educational Programs for the Emergency Medical

Services Professions.

RESPONSE AND EXPLANATION OF CHANGE: In 19 CSR 30-40.342, the department has omitted the option of state only license on the application form that was included herein. The department also completely eliminated the verification form that was included herein.

COMMENT #2: Ruby Mehrer, President of the Missouri Emergency Medical Services Association and Shane Lockard with the Missouri Ambulance Association would like clarity that each veteran has successfully completed an EMT-Basic program with the appropriate national testing.

RESPONSE: Subsection (2)(A) of this proposed amendment states that any applicant for initial licensure as an EMT-Basic shall submit with their license application to the EMS Bureau evidence of current certification with the National Registry of EMTs as an EMT-B, EMT-I, or EMT-P. The applicant who is a past member of the United States Armed Forces including National Guard and Reserves who has been honorably discharged from the United States Armed Forces including National Guard and Reserves within the past two (2) years may in addition request a special EMT-B United States Armed Forces license with their application; however all EMT-Basics must provide evidence of current certification with the National Registry of EMTs as stated in subsection (2)(A) of this proposed amendment. There is no difference in the requirements for licensure of EMT-Basics. The difference is what the license will look like for those who qualify for the EMT-B United States Armed Forces license. No change has been made as a result of this comment.

COMMENT #3: Frank Foster comments that the proposed amendment conflicts with section 190.142, RSMo, and the definitions of EMT-Paramedics, EMT-Intermediates and EMT-Basics in section 190.100, RSMo, by not making the veteran applicants eligible to take the National Registry examination.

RESPONSE: Section 190.142, RSMo, as it stands at the time of filing of this final order of rulemaking, allows the department to promulgate rules relating to the requirements for an emergency medical technician including education and training requirements based on respective national curricula of the United States Department of Transportation and any modifications to such curricula specified through rules adopted pursuant to sections 190.001 to 190.245, RSMo. The department is also allowed to promulgate rules on initial licensure testing requirements and continuing education and relicensure requirements. The National Registry of Emergency Medical Technicians is a non-governmental private organization which grants certification to an individual that voluntarily chooses to certify with the National Registry of Emergency Medical Technicians and meets the National Registry of Emergency Medical Technicians predetermined specified qualifications. The department is not required to utilize the National Registry of Emergency Medical Technicians' certification through initial licensure or relicensure. Similarly, the definitions of all levels of emergency medical technicians in section 190.100, RSMo, are emergency medical technicians who have successfully completed courses of instructions based on sections 190.001 to 190.245, RSMo and rules adopted by the department pursuant to sections 190.001 to 190.245, RSMo. The department is not mandated to utilize the National Registry of Emergency Medical Technicians for initial licensure or relicensure. No change has been made as a result of this comment.

COMMENT #4: Bryant Gladney with the Boone County Fire Protection District comments that it is curious, ironic, and absurd that the Bureau of EMS touts the National Registry process in every other circumstance but has chosen to take a totally opposite position on this matter.

RESPONSE: The department allows for EMT-Basics, EMT-Intermediates, and EMT-Paramedics to relicense with the department with either a certification by the National Registry of Emergency

Medical Technicians or by appropriate continuing education set forth in this proposed amendment under subsection (4)(B) for EMT-Paramedics or subsection (5)(B) for EMT-Intermediates or subsection (2)(C) for EMT-Basics. Certification by the National Registry of Emergency Medical Technicians is not required for those who relicense with the department with the required continuing education. Currently, approximately sixty-nine percent (69%) of the emergency medical technicians (all levels) who obtain their initial license with the department by showing evidence that they have current certification with the National Registry of Emergency Medical Technicians drop their certification with the National Registry of Emergency Medical Technicians and relicense with the department by using the appropriate continuing education rather than certification with the National Registry of Emergency Medical Technicians. No change has been made as a result of this comment.

COMMENT #5: The department determined during its review of the EMS Personnel License Application included herein that it needed to update the revision date of this form.

RESPONSE AND EXPLANATION OF CHANGE: The department updated the revision date for the EMS Personnel License Application included herein.

19 CSR 30-40.342 Application and Licensure Requirements for the Initial Licensure and Relicensure of Emergency Medical Technician-Basics, Emergency Medical Technician-Intermediate, and Emergency Medical Technician-Paramedics

(4) EMT-Paramedic Licensure and Relicensure Requirements.

(A) EMT-Paramedic (Initial Licensure). Initial licensure requirements apply to any person who was not licensed in Missouri prior to August 28, 1998, as a mobile emergency medical technician by the EMS Bureau or whose Missouri license has expired for more than two (2) years. The applicant for initial licensure shall submit with their license application to the EMS Bureau evidence of current certification with the National Registry of EMTs as an EMT-P.

(B) EMT-Paramedic (Relicensure).

1. The applicant for relicensure shall submit with their license application to the EMS Bureau evidence of current certification with the National Registry of EMTs as an EMT-P; or

2. An applicant shall certify to the EMS Bureau—

A. That they have successfully completed one hundred forty-four (144) hours of continuing education which meet the EMS Bureau's approval criteria under 19 CSR 30-40.331, forty-eight (48) hours of which may be elective topics and the remaining ninety-six (96) hours covering all elements of the EMT-P core continuing education curriculum;

B. That they are able to produce documentation of the required continuing education and will make all records available to the EMS Bureau upon request. Licensees shall maintain such records for a period of five (5) years after the date of relicensure. Failure to obtain and retain complete and accurate documentation shall be cause for taking action upon a license; and

C. That they have current advanced cardiac life support training (can be counted towards the refresher requirement).

(5) EMT-Intermediate (EMT-I) Licensure and Relicensure Requirements.

(A) EMT-I (Initial Licensure). Initial licensure requirements apply to any person applying for licensure in Missouri. The applicant for initial licensure shall submit with their license application to the EMS Bureau evidence of current certification with the National Registry of Emergency Medical Technicians as an EMT-I. The EMT-I in Missouri may perform all the skills except intraosseous infusions in the *National EMS Scope of Practice Model for Advanced EMT* which is incorporated by reference in this rule as published in 2007 by the U.S. Department of Transportation and is available at U.S. Department of Transportation, Office of Emergency Medical

Services, West Building W 44-314, 1200 New Jersey Ave. SE, NTI 140, Washington DC 20590. This rule does not incorporate any subsequent amendments or additions.

(B) EMT-Intermediate (EMT-I) Relicensure.

1. The applicant for relicensure shall submit with their license application to the EMS Bureau evidence of current certification with the National Registry of EMTs as an EMT-I; or

2. An applicant shall certify to the EMS Bureau—

A. That they have successfully completed one hundred forty-four (144) hours of continuing education which meet the EMS Bureau's approval criteria under 19 CSR 30-40.331, seventy-two (72) hours of which cover all elements of the EMT-I core continuing education curriculum and seventy-two (72) hours of which may be elective topics from the EMT-B, EMT-I, or EMT-P curriculum;

B. That they are able to produce documentation of the required continuing education and shall make all records available to the EMS Bureau upon request. Licensees shall maintain such records for a period of five (5) years after the date of relicensure; and

C. Applicants shall produce a copy of the front and back of a basic cardiac life support training card which confirms that the applicant has successfully completed a basic life support training course within the past two (2) years.

(C) EMT-B Step Down from EMT-P or EMT-I.

1. The applicant for relicensure shall submit with their license application to the EMS Bureau evidence of current certification with the National Registry of EMTs as an EMT-B, EMT-I, or EMT-P; or

2. An applicant shall certify to the EMS Bureau—

A. That they have successfully completed one hundred (100) hours of continuing education which meet the EMS Bureau's approval criteria under 19 CSR 30-40.331, forty-eight (48) hours of which cover all elements of the EMT-B core continuing education curriculum and fifty-two (52) hours of which may be elective topics from the EMT-B, EMT-I, or EMT-P curriculum;

B. That they are able to produce documentation of the required continuing education and shall make all records available to the EMS Bureau upon request. Licensees shall maintain such records for a period of five (5) years after the date of relicensure; and

C. Applicants shall also have current basic cardiac life support training. This does not count towards core continuing education curriculum.



MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
BUREAU OF EMERGENCY MEDICAL SERVICES
EMS PERSONNEL LICENSE APPLICATION

UEMS USE ONLY

EMT LICENSE NO. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		APPROVED BY/DATE	DATE LICENSED <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
DATE APP. REC'D. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>			EXPIRATION DATE <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
APPLICANT MUST COMPLETE INFORMATION BELOW TYPE OR PRINT			
1. <input type="checkbox"/> INITIAL LICENSE APP.		CURRENT MO EMS LIC NO. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
2. <input type="checkbox"/> RELICENSURE APP.		AND <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
3. TYPE OF LICENSE APPLIED FOR (Check One) EMT-Basic <input type="checkbox"/> EMT-Intermediate <input type="checkbox"/> EMT-Paramedic <input type="checkbox"/>			
4. CERTIFICATION/EDUCATION USED FOR INITIAL LICENSURE OR RELICENSURE: (PLEASE CHECK ONLY ONE)			
<input type="checkbox"/> EMT-B NATIONAL REGISTRY (Attach copy of card)	<input type="checkbox"/> EMT-I NATIONAL REGISTRY (Attach copy of card)	<input type="checkbox"/> EMT-P NATIONAL REGISTRY (Attach copy of card)	<input type="checkbox"/> EMT-B CONTINUING EDUCATION
			<input type="checkbox"/> EMT-I CONTINUING EDUCATION
			<input type="checkbox"/> EMT-P CONTINUING EDUCATION
5. NAME (LAST, FIRST, MIDDLE INITIAL)			
SOCIAL SECURITY NUMBER		DATE OF BIRTH MO ___ DAY ___ YR ___	SEX <input type="checkbox"/> M <input type="checkbox"/> F
		DAYTIME PHONE NUMBER	
		E-MAIL ADDRESS (if applicable)	
MAILING ADDRESS (STREET)			
CITY		STATE	ZIP CODE
COUNTY			
6. Are you a past member of the United States Armed Forces including National Guard and Reserves that has been honorably discharged within the past two (2) years who requests an EMT-B United States Armed Forces license? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please attach a copy of your certificate of release or discharge from active duty (DD form 214) or an NGB-22 which verifies your honorable discharge and discharge date with your application.			
7. Are you a current member of the United States Armed Forces including National Guard and Reserves who requests an EMT-B United States Armed Forces license? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please attach a copy of your common access card with your application.			
8. NAME OF THE EMS AGENCY YOU ARE CURRENTLY WORKING FOR.(If applicable)			
9. TYPE OF PRESENT PRIMARY EMS AFFILIATION (IF APPLICABLE)			
<input type="checkbox"/> AMBULANCE SERVICE		<input type="checkbox"/> UNLICENSED FIRST RESPONDER AGENCY	
<input type="checkbox"/> LICENSED EMRA		<input type="checkbox"/> FIRE SERVICE	
		<input type="checkbox"/> POLICE DEPARTMENT	
		<input type="checkbox"/> OTHER	
10. Have you ever had administrative licensure action taken against your EMT license in Missouri or any other state? Yes <input type="checkbox"/> No <input type="checkbox"/> IF YES, EXPLAIN ON ATTACHED SHEET			
11. Has your right to practice in a health care occupation ever been subject to limitations, suspension or termination? Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable <input type="checkbox"/> IF YES, EXPLAIN ON ATTACHED SHEET			
12. Have you ever voluntarily surrendered a health care license or certification in any state? Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable <input type="checkbox"/> IF YES, EXPLAIN ON ATTACHED SHEET			
13. HAVE YOU EVER BEEN FINALLY ADJUDICATED AND FOUND GUILTY, OR ENTERED A PLEA OF GUILTY OR NOLO CONTENDERE IN A CRIMINAL PROSECUTION UNDER THE LAWS OF ANY STATE OR OF THE UNITED STATES, WHETHER OR NOT YOU RECEIVED A SUSPENDED IMPOSITION OF SENTENCE FOR ANY CRIMINAL OFFENSE? Yes <input type="checkbox"/> No <input type="checkbox"/>			
IF YOU HAVE ANSWERED YES TO THE ABOVE QUESTION YOU MUST ATTACH TO YOUR APPLICATION A CERTIFIED COPY OF ALL CHARGING DOCUMENTS (SUCH AS COMPLAINTS, INFORMATIONS OR INDICTMENTS), JUDGMENTS AND SENTENCING INFORMATION, PLEA AGREEMENTS AND PROBATION TERMS AND ANY OTHER INFORMATION YOU WISH CONSIDERED			
14. I HEREBY CERTIFY THAT:			
A. I am able to speak, read and write the English language.			
B. I do not have a physical or mental impairment which would substantially limit my ability to perform the essential functions of an emergency medical technician with or without a reasonable accommodation.			
C. This application contains no misrepresentations or falsifications and the information given by me is true and complete to the best of my knowledge. I further certify that I have both the intention and the ability to comply with the regulations promulgated under Chapter 190 RSMo.			
D. I have been a resident of Missouri for five (5) consecutive years prior to the date on the application or I have attached to the application at least two (2) completed fingerprint cards			
IF RELICENSING USING CONTINUING EDUCATION, PLEASE COMPLETE THE REVERSE SIDE OF THIS FORM.			
Applicant's Signature			Date
WARNING: In addition to licensure action, anyone who knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty may be guilty of a class B misdemeanor pursuant to section 575.06 RSMo.			

[illegible]

COPY THIS SHEET IF NECESSARY

IF RELICENSING USING CONTINUING EDUCATION, I HEREBY CERTIFY THAT:

1. I have successfully completed the required continuing education in accordance with state regulations.
2. I have attached a list of these continuing education units.
3. I am in possession of documentation of the required continuing education and will make all records available to the Missouri Department of Health and Senior Services upon request under penalty of license action, up to and including revocation.
4. EMT-B and EMT-I applicants must attach a copy of current CPR card.
5. EMT-P applicants must attach copy of current ACLS card.

APPLICANT'S SIGNATURE

DATE _____

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs, and other items required to be published in the *Missouri Register* by law.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and
Transportation Commission
Chapter 25—Motor Carrier Operations**

IN ADDITION

7 CSR 10-25.010 Skill Performance Evaluation Certificates for Commercial Drivers

PUBLIC NOTICE

Public Notice and Request for Comments on Applications for Issuance of Skill Performance Evaluation Certificates to Intrastate Commercial Drivers with Diabetes Mellitus or Impaired Vision

SUMMARY: This notice publishes MoDOT's receipt of applications for the issuance of Skill Performance Evaluation (SPE) Certificates from individuals who do not meet the physical qualification requirements in the Federal Motor Carrier Safety Regulations for drivers of commercial motor vehicles in Missouri intrastate commerce because of impaired vision or an established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. If granted, the SPE Certificates will authorize these individuals to qualify as drivers of commercial motor vehicles (CMVs), in intrastate commerce only, without meeting the vision standard prescribed in 49 CFR 391.41(b)(10), if applicable, or the diabetes standard prescribed in 49 CFR 391.41(b)(3).

DATES: Comments must be received at the address stated below, on or before, October 17, 2016.

ADDRESSES: You may submit comments concerning an applicant, identified by the Application Number stated below, by any of the following methods:

- **Email:** Pamela.lueckenotto@modot.mo.gov
- **Mail:** PO Box 270, Jefferson City, MO 65102
- **Hand Delivery:** 830 MoDOT Drive, Jefferson City, MO 65102
- **Instructions:** All comments submitted must include the agency name and Application Number for this public notice. For detailed instructions on submitting comments, see the Public Participation heading of the Supplementary Information section of this notice. All comments received will be open and available for public inspection and MoDOT may publish those comments by any available means.

**COMMENTS RECEIVED
BECOME MoDOT PUBLIC RECORD**

- By submitting any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.
- **Docket:** For access to the department's file, to read background documents or comments received, 830 MoDOT Drive, Jefferson City, MO 65102, between 7:30 a.m. and 4:00 p.m., CT, Monday through Friday, except state holidays.

FOR FURTHER INFORMATION CONTACT: Pam Lueckenotto, Motor Carrier Investigations Specialist, 636-288-6082, MoDOT Motor Carrier Services Division, PO Box 270, Jefferson City, MO 65102. Office hours are from 7:30 a.m. to 4:00 p.m., CT, Monday through Friday, except state holidays.

SUPPLEMENTARY INFORMATION:

Public Participation

If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

Background

The individuals listed in this notice have recently filed applications requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10), or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, RSMo, MoDOT may issue an SPE Certificate, for not more than a two- (2-) year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing an SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

Qualifications of Applicants

Application #370

New Applicant's Name & Age: Octavia E. Williams, 62

Relevant Physical Condition: Vision impaired.

Ms. Williams's best corrected visual acuity in her right eye is 20/30 Snellen. Her best corrected visual acuity in her left eye is 20/100 Snellen. Ms. Williams has had this visual impairment since February 11, 2016.

Relevant Driving Experience: Ms. Williams has approximately twenty-eight (28) years of commercial motor vehicle experience. Ms. Williams currently has a Class B license. In addition, she has experience driving personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in May 2016, a board-certified ophthalmologist certified her condition would not adversely affect her ability to operate a commercial motor vehicle safely.

Traffic Accidents and Violations: Ms. Williams has had no tickets or accidents on record for the previous three (3) years.

Request for Comments

The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

Issued on: August 4, 2016

Scott Marion, Motor Carrier Services Director, Missouri Department of Transportation.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and
Transportation Commission
Chapter 25—Motor Carrier Operations**

IN ADDITION

**7 CSR 10-25.010 Skill Performance Evaluation Certificates for
Commercial Drivers**

PUBLIC NOTICE

Public Notice and Request for Comments on Applications for Issuance of Skill Performance Evaluation Certificates to Intrastate Commercial Drivers with Diabetes Mellitus or Impaired Vision

SUMMARY: This notice publishes MoDOT's receipt of applications for the issuance of Skill Performance Evaluation (SPE) Certificates from individuals who do not meet the physical qualification requirements in the Federal Motor Carrier Safety Regulations for drivers of commercial motor vehicles in Missouri intrastate commerce because of impaired vision or an established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. If granted, the SPE Certificates will authorize these individuals to qualify as drivers of commercial motor vehicles (CMVs), in intrastate commerce only, without meeting the vision standard prescribed in 49 CFR 391.41(b)(10), if applicable, or the diabetes standard prescribed in 49 CFR 391.41(b)(3).

DATES: Comments must be received at the address stated below, on or before, October 17, 2016.

ADDRESSES: You may submit comments concerning an applicant, identified by the Application Number stated below, by any of the following methods:

- *Email:* Pamela.lueckenotto@modot.mo.gov
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**COMMENTS RECEIVED
BECOME MoDOT PUBLIC RECORD**

- By submitting any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.
- *Docket:* For access to the department's file, to read background documents or comments received, 830 MoDOT Drive, Jefferson City, MO 65102, between 7:30 a.m. and 4:00 p.m., CT, Monday through Friday, except state holidays.

FOR FURTHER INFORMATION CONTACT: Pam Lueckenotto, Motor Carrier Investigations Specialist, 636-288-6082, MoDOT Motor Carrier Services Division, PO Box 270, Jefferson City, MO 65102. Office hours are from 7:30 a.m. to 4:00 p.m., CT, Monday through Friday, except state holidays.

SUPPLEMENTARY INFORMATION:

Public Participation

If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

Background

The individuals listed in this notice have recently filed applications

requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10), or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, RSMo, MoDOT may issue an SPE Certificate, for not more than a two- (2-) year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing an SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

Qualifications of Applicants

Application #363

New Applicant's Name & Age: Daniel F. Large, 37

Relevant Physical Condition: Vision impaired.

Mr. Large has monocular vision and is considered blind in his right eye and his best uncorrected visual acuity in his left eye is 20/20 Snellen. Mr. Large has had this visual impairment since 2007.

Relevant Driving Experience: Mr. Large has approximately one (1) year of commercial motor vehicle experience. Mr. Large currently has a Class A license. In addition, he has experience driving personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in July 2016, a board-certified optometrist certified his condition would not adversely affect his ability to operate a commercial motor vehicle safely.

Traffic Accidents and Violations: Mr. Large has had no tickets or accidents on record for the previous three (3) years.

Request for Comments

The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

Issued on: August 12, 2016

Scott Marion, Motor Carrier Services Director, Missouri Department of Transportation.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 20—Clean Water Commission
Chapter 6—Permits**

STATEMENT OF ACTUAL COST

10 CSR 20-6.011 Fees

The original fiscal note containing the estimated public entity cost of this rulemaking was published in the *Missouri Register* on October 1, 2013 (38 MoReg 1539-1542). The cost to state agencies and political subdivisions has exceeded the cost estimate by more than ten percent (10%). Therefore, pursuant to section 536.200.2, RSMo 2000, it is

necessary to publish the cost estimate together with the actual cost of the first full fiscal year. The estimated cost to the department was one hundred thousand five hundred dollars (\$100,500), and at the end of the first full fiscal year, the costs were five hundred three thousand four hundred twelve dollars (\$503,412). The estimated cost to state agencies and political subdivisions was one hundred twenty-six thousand six hundred sixty-six dollars (\$126,666), and the actual costs were one hundred forty-six thousand nine hundred eighty-three dollars (\$146,983). The original total estimated cost was two hundred twenty-three thousand one hundred sixty-six dollars (\$223,166). The total actual cost of compliance, the revenue loss to the department plus total costs to state agencies and political subdivisions, is six hundred fifty thousand three hundred ninety-five dollars (\$650,395).

Projected additional revenues to the department were estimated at \$1,993,645. Despite additional revenues to the department, a shortfall of \$1,244,550 exists as of June 30, 2016. Less revenues than expected are a result of lower than expected fee collections and over estimating the revenues expected as a result of the fee increases in the rule.

Updated: 8/15/2016

Construction Transient

The following is a list of all construction contractors performing work on construction projects in Missouri who are known by the Department of Revenue to be transient employers pursuant to Section 285.230, RSMo. This list is provided as a guideline to assist public bodies with their responsibilities under this section that states, "any county, city, town, village or any other political subdivision which requires a building permit for a person to perform certain construction projects shall require a transient employer to show proof that the employer has been issued a tax clearance and has filed a financial assurance instrument as required by Section 285.230 before such entity issues a building permit to the transient employer."

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
2 POINT CONSTRUCTION CO LLC	8004 REEDER	LENEXA	KS	66214
4MC CORPORATION	8040 JORDAN RD	ARGENTA	IL	62501
A & B PROCESS SYSTEMS CORP	201 S WISCONSIN AVE	STRATFORD	WI	54484
A & D CONSTRUCTORS INC	707 SCHRADER DRIVE	EVANSVILLE	IN	47712
A & K CONSTRUCTION SERVICES INC	100 CALLOWAY CT	PADUCAH	KY	42001
A AND M ENGINEERING AND ENVIRONMENTAL SERVICES INC	10010 E 16TH STREET	TULSA	OK	74128
A EPSTEIN & SONS INTERNATIONAL INC	600 W FULTON ST	CHICAGO	IL	60661
A I INTERNATIONAL INC	414 TERRY BLVD	LOUISVILLE	KY	40229
A LUSKER MASONRY LLC	452 S 210TH ST	FRONTENAC	KS	66763
A ROCK CONSTRUCTION CO INC	316 IONE STREET	GREENWOOD	MS	38930
A&A CONCRETE CONSTRUCTION INC	17839 157TH STREET	BASEHOR	KS	66007
ABAT BUILDERS INC	10700 W HIGGINS RD ST 350	ROSEMONT	IL	60018
ABSOLUTE CONSTRUCTION INC	954 KENNEDY AVENUE	SCHERERVILLE	IN	46375
ACADEMY ROOFING & SHEET METAL OF THE MIDWEST INC	6361 N E 14TH STREET	DES MOINES	IA	50313
ACCEL CONSTRUCTION LLC	4015 N WOODLAWN CT STE 1	BEL AIRE	KS	67220
ACE REFRIGERATION OF IOWA INC	6440 6TH ST SW	CEDAR RAPIDS	IA	52404
ACE/AVANT CONCRETE CONSTRUCTION CO INC	109 SEMINOLE DR	ARCHDALE	NC	27263
ACME ELECTRIC COMPANY OF IOWA	3353 SOUTHGATE COURT SW	CEDAR RAPIDS	IA	52404
ACRONYM MEDIA INC	350 5TH AVE STE 5501	NEW YORK	NY	10118
ADENA CORPORATION	1310 W FOURTH STREET	MANSFIELD	OH	44906
ADVANCE ELECTRIC INC	353 N INDIANA AVE	WICHITA	KS	67214
ADVANCED CABLING SYSTEMS LLC	4950 NORTSHORE LANE	NORTH LITTLE ROCK	AR	72118
ADVANCED DEVELOPMENT INC	2426 ADVANCED BUS CTR DR	COLUMBUS	OH	43228
ADVANCED EROSION SOLUTIONS LLC	5920 NALL AVE SUITE 308	MISSION	KS	66202
AE MFG INC	2505 S 33RD W AVE	TULSA	OK	74157
AERO ENERGY SERVICES LLC	2901 PEORIA STREET STE 3	PERU	IL	61354
AFFORDABLE COMMERCIAL CONSTRUCTION LLC	3240 N DELAWARE ST	CHANDLER	AZ	85225
AG PROPERTY SOLUTIONS	1901 E MAIN ST	EMMETSBURG	IA	50536
AH BECK FOUNDATION CO INC	5123 BLANCO ROAD	SAN ANTONIO	TX	78216
AHRS CONSTRUCTION INC	533 RAILROAD ST	BERN	KS	66408
AIC DRYWALL INC	1330 S HAMILTON CIRCLE	OLATHE	KS	66061

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
AIC INSULATION COMPANY INC	1330 S HAMILTON CIRCLE	OLATHE	KS	66061
AIRCO WELDING SERVICES INC	4919 OLD LOUISVILLE RD	GARDEN CITY	GA	31408
AIR-CURE INCORPORATED	5155 E RIVER RD	MINNEAPOLIS	MN	55421
AIRFIELD WESTERN LLC	66907 SOLAR RD	MONTROSE	CO	81403
ALBSMEYER ELECTRIC INC	1899 N 53RD LANE	PLAINVILLE	IL	62365
ALDRIDGE ELECTRIC INC	844 E ROCKLAND RD	LIBERTYVILLE	IL	60048
ALL PURPOSE ERECTORS INC	13222 SCHUMACHER RD	BREESE	IL	62230
ALL SERVICE CONTRACTING CORP	2024 EAST DAMON AVE	DECATUR	IL	62526
ALL SYSTEMS DESIGNED SOLUTIONS INC.	3241 N 7TH ST TRFY #200	KANSAS CITY	KS	66115
ALLENTECH INC	3184 AIRPORT ROAD	BETHLEHEM	PA	18017
ALLIANCE GLAZING TECHNOLOGIES, INC.	646 FORESTWOOD DRIVE	ROMEOVILLE	IL	60446
ALLIANCE RESTORATION LLC	911 S 2ND STREET	LEAVENWORTH	KS	66048
ALLIANCE RETAIL CONSTRUCTION INC	2414 LYTLE RD STE 201	BETHEL PARK	PA	15102
AMC INSPECTION & LOCATORS	212 W CENTER ST BOX 592	BEEBE	AR	72012
AMERICAN COATINGS INC	612 W IRIS DR	NASHVILLE	TN	37204
AMERICAN CONCRETE RESTORATIONS INC	11S375 JEANS ROAD	LEMONT	IL	60439
AMERICAN CONTRACT GROUP INC	300 WILDWOOD AVENUE	WOBURN	MA	01801
AMERICAN ELECTRICAL CONTRACTORS INC	9040 GARDEN ARBOR DR 201	GERMANTOWN	TN	38138
AMERICAN HYDRO	1029 IRS AVE	BALTIMORE	MD	21205
AMERICAN LIFT & SIGN SERVICE COMPANY	6958 NO 97TH PLAZA	OMAHA	NE	68122
AMERICAN PRESERVATION BUILDERS LLC	8111 ROCKSIDE RD STE 101	VALLEY	OH	44125
AMERICAN SEALANTS INC	393 INDIAN ROAD UNIT A	GRAND JUNCTION	CO	81501
AMERICAN SUNCRAFT CO INC	10836 SCHILLER ROAD	MEDWAY	OH	45341
AMERIPHYSICS LLC	9111 CROSS PARK DR D200	KNOXVILLE	TN	37923
AMES CONSTRUCTION INC	2000 AMES DRIVE	BURNSVILLE	MN	55306
ANCHOR SIGN INCORPORATED	2200 DISCHER AVE	CHARLESTON	SC	29405
ANCO INC	9362 LITTEKIN LANE	COLUMBIA	IL	62236
ANTELOPE DRYWALL METAL STUD INC	3132 AUBURN BOULEVARD	SACRAMENTO	CA	95821
ANTIGO CONSTRUCTION INC	2520 N CLERMONT ST	ANTIGO	WI	54409
AOI CORPORATION	8801 S 137TH CIR	OMAHA	NE	68138
AQUATIC EXHIBITS INTERNATIONAL INC	61 07 77 STREET	MIDDLE VILLAGE	NY	11379
AR AIR CONDITIONING & REFRIGERATION INC	P O BOX 1687	SPRINGDALE	AR	72765
ARCHER WESTERN CONTRACTORS LLC	PAYROLL 929 W ADAMS ST	CHICAGO	IL	60607
ARCHWALL LLC	408 WEST MISSION STREET	CLAYTON	IA	52076
ARCO DESIGN BUILD MIDWEST INC	101 W OHIO ST STE 1150	INDIANAPOLIS	IN	46204
ARISTEO CONSTRUCTION CO	12811 FARMINGTON RD	LIVONIA	MI	48150
ARISTEO INSTALLATION, LLC	12811 FARMINGTON	LIVONIA	MI	48150
ARMI CONTRACTORS INC	1860 E PUMP STATION ROAD	FAYETTEVILLE	AR	72701
ARNOLDS CUSTOM SEEDING LLC	4626 WCR 65	KEENESBURG	CO	80643
ART A & M JV LLC	10010 E 16TH STREET	TULSA	OK	74128
ASPHALT STONE COMPANY	520 N WEBSTER	JACKSONVILLE	IL	62650
ATLANTIC FIXTURE INSTALLATIONS INC	1615 ROBIN CIRCLE H	FOREST HILL	MD	21050

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ATWOOD ELECTRIC INC	23124 HIGHWAY 149	SIGOURNEY	IA	52591
AUBREY SILVEY ENTERPRISES INC	371 HAMP JONES RD	CARROLLTON	GA	30117
AUDIO VISUAL INNOVATIONS INC	6313 BENJAMIN RD #110	TAMPA	FL	33634
AYARS & AYARS INC	2436 N 48TH ST	LINCOLN	NE	68504
B & M WEST CONSTRUCTION OF TEXAS LP	2571 HWY 60 WEST	BARTOW	FL	33830
B & S STEEL CO., LLC	119 N LOCUST ST	WINFIELD	IA	52659
B D WELCH CONSTRUCTION LLC	120 INDUSTRIAL STATION RD	STEELE	AL	35987
B&E ELECTRICAL INC	1843 ROYLE ROAD	SUMMERVILLE	SC	29486
BAILEY ELECTRIC COMPANY LLC	4906 OLD HWY 11 STE 1B	HATTIESBURG	MS	39402
BARRIER TECHNOLOGIES LLC	7700 WEDD STREET	OVERLAND PARK	KS	66204
BARTON ELECTRIC CONTRACTING INC	247 STATE ROUTE 160	TRENTON	IL	62293
BATTEN & SHAW INC	3807 CHARLOTTE AVE	NASHVILLE	TN	37209
BAZIN SAWING & DRILLING LLC	30790 SWITZER	LOUISBURG	KS	66053
BEL O COOLING & HEATING INC	90 WHITEHALL DRIVE	OFALLON	IL	62269
BENCHMARK ELECTRICAL SOLUTIONS INC	3665 CANAL DR STE A	FORT COLLINS	CO	80524
BERBERICH TRAHAN & CO PA PC	3630 SW BURLINGAME ROAD	TOPEKA	KS	66611
BERG PAINTING LLC	118 PEAVEY CIRCLE	CHASKA	MN	55318
BEST PLUMBING & HEATING INC	421 SECTION OD	SCAMMON	KS	66773
BETTIS ASPHALT & CONSTRUCTION INC	2350 NW WATER WORKDS DR	TOPEKA	KS	66606
BIERMAN CONTRACTING INC	2560 E 29 AVE BOX 539	COLUMBUS	NE	68602
BIRDAIR INC	65 LAWRENCE BELL DR	AMHERST	NY	14221
BKM CONSTRUCTION LLC	501 N 20TH STREET	LEAVENWORTH	KS	66048
BLACK CONSTRUCTION CO	18483 US HIGHWAY 54	ROCKPORT	IL	62370
BLAHNIK CONSTRUCTION COMPANY	150 50TH AVE DR SW	CEDAR RAPIDS	IA	52404
BLANKENSHIP CONSTRUCTION CO	1824 IL RT 140	MULBERRY GROVE	IL	62262
BLD SERVICES LLC	2424 TYLER STREET	KENNER	LA	70062
BLOCK ELECTRIC COMPANY	2580 N JOHNSON ROAD	WEIDMAN	MI	48893
BLUE STREAK CABLE & TELECOMMUNICATIONS LLC	12595 SW 137TH AVE STE312	MIAMI	FL	33186
BLUESTONE LLC	220 N SMITH ST STE 420	PALATINE	IL	60067
BLUEWATER CONSTRUCTORS, INC.	5337 DOW RD	HOUSTON	TX	77255
B-MAC WIRELESS OMC	3620 DEVELOPERS RD	INDIANAPOLIS	IN	46227
BOB BERGKAMP CONSTRUCTION CO INC	3709 S WEST STREET	WICHITA	KS	67217
BOB FLORENCE CONTRACTOR INC	1934 S KANSAS AVE	TOPEKA	KS	66612
BODINE ELECTRIC OF DECATUR	1845 NORTH 22ND ST	DECATUR	IL	62526
BORTON CONSTRUCTION INC	P O BOX 1596	LA CROSSE	WI	54602
BORTON LC	200 EAST FIRST STREET	HUTCHINSON	KS	67501
BOSCH MANAGEMENT SERVICES CORPORATION	2800 S 25TH AVE	BROADVIEW	IL	60155
BOUMA CONSTRUCTION INC	5000 17TH ST	KANSAS CITY	MO	64127
BR INDUSTRIAL OPERATIONS LLC	2600 CITIPLACE DRIVE	BATON ROUGE	LA	70808
BRADFORD BUILDING COMPANY INC	2151 OLD ROCKY RIDGE RD	BIRMINGHAM	AL	35216
BRADSHAW CONSTRUCTION CORPORATION MARYLAND	175 WEST LIBERTY ROAD	ELDERSBURG	MD	21784

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BRANCH BUILDING GROUP LLC	813 B COLUMBIA AVENUE	FRANKLIN	TN	37064
BRANTLEY CONSTRUCTION LLC	5300 MUNICIPAL AVE 2ND FL	KANSAS CITY	MO	64120
BREWSTER COMPANIES INC	6321 EAST MAIN STREET	MARYVILLE	IL	62062
BRITT AASEBY CONSTRUCTION INC	3025 HARBOR LANE N 410	PLYMOUTH	MN	55447
BROCK SERVICES LLC	10343 SAM HOUSTON PK 200	HOUSTON	TX	77064
BROOKS DIRECTIONAL DRILLING LLC	24531 102ND DRIVE	BURDEN	KS	67019
BROOKS ELECTRICAL	1107 N 1712 ROAD	LAWRENCE	KS	66049
BROWN & ROOT INDUSTRIAL SERVICES LLC	2600 CITIPLACE DRIVE	BATON ROUGE	LA	70808
BROWNELL ENTERPRISES INC	1001 OLD LEBANON DIRT RD	MOUNT JULIET	TN	37122
BRUCE CONCRETE CONSTRUCTION INCORPORATED	4401 HWY 162	GRANITE CITY	IL	62040
BRUNNERS QUALITY DECKS	540 N OAK	GARDNER	KS	66030
BRYAN-OHLMEIER CONST INC	911 NORTH PEARL	PAOLA	KS	66071
BTE MANAGEMENT GROUP LLC	1717 S BOULDER STE 300	TULSA	OK	74119
BUILDING CONTROLS AND INTEGRATION INC	341 MEADOWBROOK CIR	GARDNER	KS	66030
BUILDING CRAFTS INC	2 ROSEWOOD DRIVE	WILDER	KY	41076
BULLDOG DRILLING INC	411 TRANSPORT DR STE A	DUPO	IL	62239
BUSH TURF INC	6800 78TH AVE WEST	MILAN	IL	61264
BYUS CONSTRUCTION INC	16602 S CRAWFORD AVENUE	MARKHAM	IL	60428
C & C DEMOLITION	2735 NE BROADWAY AVENUE	DES MOINES	IA	50317
CAHILL CONSTRUCTION INC	5233 BETHEL CENTER MALL	COLUMBUS	OH	43220
CALIPER INC	512 CENTRAL DR	VIRGINIA BCH	VA	23454
CAM OF ILLINOIS LLC	300 DANIEL BOONE TRAIL	SOUTH ROXANA	IL	62087
CANNON UTILITY SERVICES LLC	1602 CENTREVILLE AVE	BELLEVILLE	IL	62220
CANYON PLUMBING INC	80 COLLEGE DRIVE	ASH FLAT	AR	72513
CAPEHART & CAPEHART BUILDERS INC	462893 E 1040 RD	SALLISAW	OK	74955
CAPITAL INSULATION INC	3210 NE MERIDEN RD	TOPEKA	KS	66617
CAPITOL CONSTRUCTION SERVICES OF INDIANA INC	10412 ALLISONVILLE RD 100	FISHERS	IN	46038
CARDA CONSTRUCTION COMPANY	40 COMMERCE LANE	LEBANON	IL	62254
CARDINAL INTERNATIONAL GROOVING & GRINDING LLC	100 BARREN HILL ROAD	CONSHOHOCKEN	PA	19428
CAROLINA LEGAL ASSOCIATES LLC	1330 LADY ST STE 503	COLUMBIA	SC	29201
CARPORT STRUCTURES CORPORATION	1825 METAMORA ROAD	OXFORD	MI	48371
CAS CONSTRUCTORS LLC	501 NE BURGESS	TOPEKA	KS	66608
CASE FOUNDATION COMPANY	1325 W LAKE ST	ROSELLE	IL	60172
CASEY INDUSTRIAL INC	1400 W 122ND AVE STE 200	WESTMINSTER	CO	80234
CB INDUSTRIES INC	17250 NEW LENOX RD	JOLIET	IL	60430
CB RECOVERY GROUP INC	1821 WALDEN OFFICE SQ 395	SCHAUMBURG	IL	60173
CB&I INC	1501 N DIVISION STREET	PLAINFIELD	IL	60544
CBS CONSTRUCTORS	204 E 1ST	MCCOOK	NE	69001
CCC GROUP INC	5797 DIETRICH RD	SAN ANTONIO	TX	78219
CELLSITE SOLUTIONS LLC	1200 VALLEY WEST DR#403 4	WEST DES MOINES	IA	50266
CEMROCK LANDSCAPES INC	4790 S JULIAN AVE	TUCSON	AZ	85714

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CENTRAL BUILDING & PRESERVATION LP	1071 W FRY STREET	CHICAGO	IL	60642
CERAM ENVIRONMENTAL INC	7304 W 130TH ST STE 140	OVERLAND PARK	KS	66213
CHALLENGER CONSTRUCTION CORPORATION	111 E NANCY STREET	CLEARWATER	KS	67026
CHAMBERLAIN DALLAS LLC	2346 GLENDA LANE	DALLAS	TX	75229
CHARLES F EVANS CO INC	800 CANAL ST	ELMIRA	NY	14901
CIRCLE C PAVING AND CONSTRUCTION LLC	2513 CASEY DRIVE	GODDARD	KS	67052
CJ DRILLING INC	19N041 GALLIGAN ROAD	DUNDEE	IL	60118
CLASSIC PROTECTIVE COATINGS INC	N 7670 STATE HWY 25	MENOMONIE	WI	54751
CLEANWRAP INC	1560 W 500 N	SALT LAKE CTY	UT	84116
CLEAVERS FARM SUPPLY INC	2103 S SANTA FE	CHANUTE	KS	66720
CLOVER TOOL COMPANY INC	6903 FM 359 S	FULSHEAR	TX	77441
CLYDE BERGEMANN POWER GROUP AMERICAS	4015 PRESIDENTIAL PARKWAY	ATLANTA	GA	30340
COASTAL AUTOMATIC FIRE PROTECTION LLC	3590 ROCKY DEDEAUX RD	KILN	MS	39556
COLUMBIA CONSTRUCTION INC	19965 W 162ND STREET	OLATHE	KS	66062
COMMERCE CONSTRUCTION INC	695 N 40TH STREET	SPRINGDALE	AR	72762
COMMUNICATION DATA LINK LLC	1305 SW 37TH STREET	GRIMES	IA	50111
COMPLETE LAUNDRY EQUIPMENT LLC	3756 SALEM ROAD STE C	BENTON	AR	72019
COMPLIANCE TESTING AND TECHNOLOGY INC	W67N250 EVERGREEN BLVD	CEDARBURG	WI	53012
CONCO SERVICES CORPORATION	135 SYLVAN ST	VERONA	PA	15147
CONCORD TANK CORPORATION	51 D CARPENTER COURT NW	CONCORD	NC	28027
CONCRETE EXPRESSIONS LLC	2109 P AVENUE	CLARINDA	IL	51632
CONCRETE SYSTEMS COMPANY LLC	121 EDWARDS DR	JACKSON	TN	38301
CONLEY SITEWORK & UTILITIES INC	P O BOX 250	LINWOOD	KS	66052
CONNECTED TECHNOLOGIES LLC	1550 TIMOTHY RD STE 105	ATHENS	GA	30606
CONTEGRA SERVICES LLC	22 GTWAY COMM CTR W 110	EDWARDSVILLE	IL	62025
CONTINENTAL POOLS INC	32330 W 213TH ST	SPRING HILL	KS	66083
COOPER RAIL SERVICE INC	1700 N VAN BUREN ST	EVANSVILLE	IN	47542
COOPERS STEEL FABRICATORS	PO BOX 149	SHELBYVILLE	TN	37162
CORNERSTONE CONSTRUCTION MANAGEMENT INC	3221 SKYCRAFT DR	MINNEAPOLIS	MN	55418
CORNERSTONE FCE SERVICES LLC	811 DENTWOOD TRAIL	PROSPER	TX	75078
CORNERSTONE TOWER SERVICE INC	410 S WEBB RD STE 6A	GRAND ISLAND	NE	68802
CORVAL CONSTRUCTORS INC	1633 EUSTIS ST	ST PAUL	MN	55108
COTTON COMMERCIAL USA INC	14345 NORTHWEST FWY	HOUSTON	TX	77040
CRAIGS RESTORATION & REPAIR LLC	1029 VAIL AVENUE	DURANT	IA	52747
CRAMER AND ASSOCIATES INC	3100 SW BROOKSIDE DR	GRIMES	IA	50111
CREEK ELECTRIC INCORPORATED	2811 W PAWNEE ST	WICHITA	KS	67213
CRITERION CORPORATION	1653 ENGMAN LAKE RD	SKANDIA	MI	49885
CROOKHAM CONSTRUCTION LLC	19336 182ND STREET	TONGANOXIE	KS	66086
CROWN CORR INC	7100 W 21ST AVE	GARY	IN	46406
CUMMINS CONST CO	1650 HWY 92	FONTANELLE	IA	50846
CUNNINGHAM INC	112 6TH AVENUE W	OSKALOOSA	IA	52577
CUSTOM TREE CARE INC	3722 SW SPRING CREEK LANE	TOPEKA	KS	66610

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CWPMO INC	1682 LANGLEY AVE	IRVINE	CA	92614
D & D INDUSTRIAL CONTRACTING INC	101 MULLEN DR	WALTON	KY	41094
D & H SERVICE INC	8944 H STREET	OMAHA	NE	68127
D & L EXCAVATING INC	1958 HWY 104	LIBERTY	IL	62347
D5 IRON WORKS INC	14200 WASHINGTON ST BDG B	WOODSTOCK	IL	60098
DAMATO BUILDERS + ADVISORS LLC	40 CONNECTICUT AVE	NORWICH	CT	06360
DAN R DALTON INC	912 W CALISPELL ROAD	USK	WA	99180
DANNYS CONSTRUCTION CO INCORPORATED	1066 WEST THIRD AVENUE	SHAKOPEE	MN	55379
DATA CLEAN CORPORATION	1033 GRACELAND AVENUE	DES PLAINES	IL	60016
DAVIS CONSTRUCTION	2143 NE HWY 7	COLUMBUS	KS	66725
DAW TECH	1600 SOUTH 2200 W STE 201	SALT LAKE CITY	UT	84119
DB HEALTHCARE INC	128 WHEELER ROAD	BURLINGTON	MA	01803
DCG PETERSON BROTHERS COMPANY	5005 S HWY 71	SIOUX RAPIDS	IA	50585
DCI ENVIRONMENTAL INC	7217 WEST 128TH STREET	SAVAGE	MN	55378
DEAN SNYDER CONSTRUCTION CO	912 N 13TH ST	CLEAR LAKE	IA	50428
DEEGIT INC	850 E HIGGINS RD STE 125X	SCHAUMBURG	IL	60173
DEGRAFF CONSTRUCTION LLC	519 E 23RD TER	GALENA	KS	66739
DEJAGER CONSTRUCTION INC	75 60TH ST SW	WYOMING	MI	49508
DELTA CONCRETE AND INDUSTRIAL CONTRACTING INC	51825 GRATIOT AVE	CHESTERFIELD	MI	48051
DENHAM BLYTHE COMPANY INC	100 TRADE ST	LEXINGTON	KY	40511
DENISON DRYWALL CONTRACTING INC	2307 HWY 30 EAST	DENISON	IA	51442
DESALVO CONSTRUCTION COMPANY	1491 WEST LIBERTY	HUBBARD	OH	44425
DESCO SYSTEMS OF ARKANSAS INC	19890 W 156TH	OLATHE	KS	66062
DETROIT PIPING GROUP MECHANICAL CONTRACTORS INC	38291 SCHOOLCRAFT	LIVONIA	MI	48150
DF CHASE INC	3001 ARMORY DR	NASHVILLE	TN	37204
DIAMOND CONSTRUCTION COMPANY	2000 N 18TH ST	QUINCY	IL	62301
DIAMOND SURFACE INC	21025 COMMERCE BLVD #900	ROGERS	MN	55374
DIG AMERICA UTILITY CONTRACTING INC	606 25TH AVE SO STE 202	ST CLOUD	MN	56301
DIMENSION CONSTRUCTION INC	3776 NEW GETWELL RD	MEMPHIS	TN	38118
DIVERSIFIED COMMERCIAL BUILDERS INC	829 PICKENS IND DR 13	MARIETTA	GA	30062
DIVERSIFIED FOUNDATIONS LLC	10530 STATE HWY 29 NORTH	ALEXANDRIA	MN	56308
DIVERSIFIED TRACK WORKS LLC	402 N SPRING STREET	ATKINSON	IL	61235
DL MORSE & ASSOCIATES INC	1745 HOLTON ROAD STE B	MUSKEGON	MI	49445
DOBBS COATING SYSTEMS INC	1888 MINERAL WELLS HWY	WEATHERFORD	TX	76088
DOME CORPORATION OF NORTH AMERICA	5450 EAST ST	SAGINAW	MI	48601
DONCO ELECTRICAL CONSTRUCTION LLC	1506 US HWY 45 NORTH	ELDORADO	IL	62930
DONE RITE CONSTRUCTION CO INC	10277 FL ROUTE 101	LITTLETON	IL	61452
DORMARK CONSTRUCTION COMPANY	303 S 2ND ST	GRIMES	IA	50111
DOSTER CONSTRUCTION CO INC	2100 INTERNATIONAL PARK D	BIRMINGHAM	AL	35243
DOTSON ELECTRIC COMPANY INC	551 CAL BATSEL ROAD	BOWLING GREEN	KY	42104
DRC EMERGENCY SERVICES LLC	740 MUSEUM DRIVE	MOBILE	AL	36608

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DS ELECTRIC LLC	5336 KNOX	MERRIAM	KS	66203
DTLS INCORPORATED	P O BOX 1615	BERNALILLO	NM	87004
DUANE HOUKOM INC	7 WINDSONG LANE	FRIENDSWOOD	TX	77546
DUERSON INC	601 1ST AVE N	ALTOONA	IA	50009
DUNK FIRE & SECURITY INC	3446 WAGON WHEEL RD	SPRINGDALE	AR	72762
DURR SYSTEMS INC	40600 PLYMOUTH RD	PLYMOUTH	MI	48170
DYER ELECTRIC INC	PO BOX 132	LOWELL	AR	72745
E F LEA ELECTRICAL CONTRACTOR INC	339 EAST 50TH STREET	JACKSONVILLE	FL	32208
E80 PLUS CONSTRUCTORS LLC	600 BASSETT ST	DEFOREST	WI	53532
EAST CENTRAL ELECTRIC INC	1600 W 26TH STREET	MARION	IN	46953
EBM CONSTRUCTION INC	1014 SHERWOOD ROAD	NORFOLK	NE	68701
ECHO POWERLINE LLC	313 WALNUT STREET	BUNKIE	LA	71322
EDM INTERNATIONAL INC	4001 AUTOMATION WAY	FORT COLLINS	CO	80525
EDNA LUMBER CO INC	307 E HOUSTON ST	EDNA	TX	77957
EJ BRENEMAN LP	1117 SNYDER RD	WEST LAWN	PA	19609
EJM PIPE SERVICE INC	7807 LAKE DR	CIRCLE PINES	MN	55014
ELECTRICO INC	7706 WAGNER ROAD	MILLSTADT	IL	62260
ELECTRICOMM INC	4637 NW COUNTRY PARK DR	TOPEKA	KS	66618
ELI LLOYD INC	717 N CLINTON	LITCHFIELD	IL	62056
ELLINGER WINFIELD LLC	ONE 157 CENTER	EDWARDSVILLE	IL	62025
ELLIOTT ELECTRICAL INC	P O BOX 1039	BENTON	AR	72015
ELLSWORTH ELECTRIC INC	4425 N HIGHWAY 81	DUNCAN	OK	73533
EMBREE CONSTRUCTION GROUP INC OF TEXAS	4747 WILLIAMS DR	GEORGETOWN	TX	78633
EMCO CHEMICAL DISTRIBUTORS INC	2100 COMMONWEALTH AVE	NORTH CHICAGO	IL	60064
ENGINEERED STRUCTURES INC	3330 E LOUISE DR STE 300	MERIDIAN	ID	83642
ENGINEERING AMERICA INC	647 HALE AVENUE N	OAKDALE	MN	55128
ENGINEERING SERVICES NETWORK INC	2450 CRYSTAL DR STE 1015	ARLINGTON	VA	22202
ENGLEWOOD CONSTRUCTION INC	9747 W FOSTER AVENUE	SCHILLER PARK	IL	60176
ENHANCED SITE SOLUTIONS LLC	1418 ELMHURST ROAD	ELK GROVE VILLAGE	IL	60007
ENVIROCON INC	500 TAYLOR ST	MISSOULA	MT	59801
ERV SMITH SERVICES INC	1225 TRAUUX BLVD	EAU CLAIRE	WI	54703
ESA SOUTH INC	1681 SUCCESS DR	CANTONMENT	FL	32533
EVANS MASON INC	1021 SOUTH GRAND AVENUE	SPRINGFIELD	IL	62703
F & M CONTRACTORS INC	10915 NEW HALLS FERRY RD	ST LOUIS	MO	63136
F A WILHELM CONSTRUCTION CO INC	3914 PROSPECT STREET	INDIANAPOLIS	IN	46203
F L CRANE & SONS INC	508 S SPRING	FULTON	MS	38843
FABCON PRECAST, LLC	120 S CENTRAL AVE	CLAYTON	MO	63105
FARABEE MECHANICAL INC	P O BOX 1748	HICKMAN	NE	68372
FAUGHN ELECTRIC INC	5980 OLD MAYFIELD ROAD	PADUCAH	KY	42003
FAYETTEVILLE PLUMBING & HEATING CO INC	P O BOX 1061	FAYETTEVILLE	AR	72702
FEDERAL STEEL & ERECTION CO	200 E ALTON AVE	EAST ALTON	IL	62024
FIRE & SECURITY SOLUTIONS GROUP INC	6025 MARTWAY ST STE 104	MISSION	KS	66202

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FIRELAKE CONSTRUCTION INC	7932 NIEMAN ROAD STE A	LENEXA	KS	66214
FIRELINE SPRINKLER CORPORATION	5036 CLAIREMONT DR	APPLETON	WI	54913
FISH & ASSOCIATES INC	3148 DEMING WAY STE 160	MIDDLETON	WI	53562
FLINT ENERGY SERVICES INC	2440 S YUKON AVE	TULSA	OK	74107
FLINTCO LLC	1624 W 21ST STREET	TULSA	OK	74107
FLORIDA INSTITUTE OF TECHNOLOGY INC	150 W UNIVERSITY BLVD	MELBOURNE	FL	32901
FOSTER ROOFING INC	3357 WAGON WHEEL RD	SPRINGDALE	AR	72762
FOUNDATION SPECIALIST INC	328 SOUTH 40TH STREET	SPRINGDALE	AR	72762
FOUR STAR CONSTRUCTION INC	7500 TOWER AVENUE	SUPERIOR	WI	54880
FREEDOM CONCRETE LLC	32565 LEINGTON AVE	DESOTO	KS	66018
FRENZELIT NORTH AMERICA INC	18050 TRANQUILITY ROAD	PURCELLVILLE	VA	20132
FRONTIER MECHANICAL	1234 W SOUTH JORDAN PKWY	SOUTH JORDAN	UT	84096
FSG FACILITY SOLUTIONS GROUP INC	4401 WEST GATE BLVD	AUSTIN	TX	78745
FULCRUM EXPRESS INC	1945 THE EXCHANGE STE 400	ATLANTA	GA	30339
G B CONSTRUCTION LLC	30790 SWITZER	LOUISBURG	KS	66053
G.A. RICH & SONS INC	P O BOX 50	DEER CREEK	IL	61733
G.C. BROWN AND ASSOCIATES INC	822 S 2ND STREET	CABOT	AR	72023
GALLAGHER ASPHALT CORPORATION	18100 S INDIANA	THORNTON	IL	60476
GARTNER REFRIGERATION & MANUFACTURI	13205 16TH AVE N	MINNEAPOLIS	MN	55441
GATOR SIGN COMPANY INC	1027 KAREY ANDREWS ROAD	MCCOMB	MS	39648
GENERAL EXCAVATING COMPANY	6701 CORNHUSKER HWY	LINCOLN	NE	68507
GENESEE FENCE & SUPPLY CO	53861 GRATIOT	CHESTERFIELD	MI	48051
GEOSTABILIZATION INTERNATIONAL LLC	543 31 ROAD	GRAND JUNCTION	CO	81504
GEOTECH SERVICES INC	350 GOLDEN OAK PARKWAY	OAKWOOD VILLAGE	OH	44146
GERARD TANK & STEEL INC	1540 E 11TH	CONCORDIA	KS	66901
GIBRALTAR CONSTRUCTION COMPANY INC	42 HUDSON ST STE A207	ANNAPOLIS	MD	21401
GIFFIN INC	6250 N LINDBERG	HAZELWOOD	MO	63042
GLASS DESIGN INC	BOX 568	SAPULPA	OK	74067
GLOBAL CONSTRUCTION STRATEGIES INC	5454 LENA ROAD UNIT 106	BRADENTON	FL	34211
GLOBAL EFFICIENCIES INC	2205 W DIVISION ST STE H4	ARLINGTON	TX	76012
GLOBAL ENERGY SOLUTIONS	707 SABLE OAKS DR STE 150	SOUTH PORTLAND	ME	04106
GOAL 1 ROOF RESPONSE LLC	14217 W 141ST STREET	OLATHE	KS	66062
GOAL FIRE PROTECTION LLC	13100 SWARTZ ROAD	BONNER SPRINGS	KS	66012
GOOLSBY INC	3002 WEST MAIN STRET	BLYTHEVILLE	AR	72315
GORDON ENERGY AND DRAINAGE COMPANY	15735 S MAHAFFIE	OLATHE	KS	66062
GRAND CONSTRUCTION COMPANY LLC	1699 VILLAGE WEST PARKWAY	KANSAS CITY	KS	66111
GRE CONSTRUCTION	628 PALESTINE RD	CHESTER	IL	62233
GREAT LAKES CONCRETE PRODUCTS LLC	4555 134TH AVE	HAMILTON	MI	49419
GRIFFIN DEWATERING MIDWEST LLC	5306 CLINTON DRIVE	HOUSTON	TX	77020
GRIFFITH STEEL ERECTION INC	1355 S ANNA ST	WICHITA	KS	67209
GUS CONST CO INC	606 ANTIQUE COUNTRY DR	CASEY	IA	50048
GUY ROOFING INC	201 JONES RD	SPARTANBURG	SC	29307

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
GYPSUM FLOORS OF AR/OK INC	PO BOX 1707	MULDROW	OK	74948
H & H SYSTEMS AND DESIGN, INC	135 WEST MARKET ST	NEW ALBANY	IN	47150
H & M INDUSTRIAL SERVICES INC	121 EDWARDS DR	JACKSON	TN	38302
H AND M CONSTRUCTION CO INC	50 SECURITY DR	JACKSON	TN	38305
H&H DRYWALL SPECIALTIES INC	3727 E 31ST STR	TULSA	OK	74135
HAIER PLUMBING & HEATING INC	301 N ELKTON STREET	OKAWVILLE	IL	62271
HALL BROTHERS INC	1196 PONY EXPRESS HWY	MARYSVILLE	KS	66508
HALL CONTRACTING OF KENTUCKY INC	PO BOX 37270	LOUISVILLE	KY	40233
HARDING ENTERPRISES LLC	1016 3RD ST	PRENTISS	MS	39474
HAREN & LAUGHLIN RESTORATION COMPANY INC	8035 NIEMAN RD	LENEXA	KS	66214
HASTCO INC	813 GRAHAM	EMPORIA	KS	66801
HAWKEYE INSULATION SPECIALISTS INC	755 64TH AVE CT SW STE A	CEDAR RAPIDS	IA	52404
HAWKINS CONSTRUCTION COMPANY	2516 DEER PARK BLVD	OMAHA	NE	68105
HEAD INC	4920 E FIFTH AVE	COLUMBUS	OH	43219
HEAFNER CONTRACTING INC	27457 HEAFNER DRIVE	GODFREY	IL	62035
HEALY CONSTRUCTION SERVICES INC	14000 S KEELER AVE	CRESTWOOD	IL	60445
HEARTLAND BUILDERS COMPANY OF NEBRASKA	1698 S 34TH AVE	COLUMBUS	NE	68601
HEARTLAND RETAIL CONSTRUCTION INC	4956 MEMCO LN STE A	RACINE	WI	53404
HEINEN CUSTOM OPERATIONS INC	HWY 4	VALLEY FALLS	KS	66088
HELLAS CONSTRUCTION INC	12710 RESEARCH BLVD 240	AUSTIN	TX	78759
HERBST ROBINETTE CONSTRUCTION CO	307 E 39TH STREET	SOUTH SIOUX CITY	NE	68776
HICKEY CONTRACTING COMPANY	1318 G ST	KEOKUK	IA	52632
HIGH CONCRETE GROUP LLC	4990 CHILDRENS PL	ST LOUIS	MO	63110
HILLARD ELECTRIC INC	4099 CEDAR COMMERCIAL NE	CEDAR SPRINGS	MI	49319
HIS CONSTRUCTION INC	5150 E 65TH ST STE B	INDIANAPOLIS	IN	46220
HODESS CONSTRUCTION CORPORATION	100 JOHN L DIETSCH SQUARE	NORTH ATTLEBORO	MA	02763
HOFFMANN SILO CORPORATION	6001 49TH ST S	MUSCATINE	IA	52761
HOHL INDUSTRIAL SERVICES INC	770 RIVERVIEW BLVD	TONAWANDA	NY	14150
HOLDER CONSTRUCTION	3333 RIVERWOOD PKWY	ATLANTA	GA	30339
HOLLIS ROOFING INC	P O BOX 2229	COLUMBUS	MS	39704
HOME CENTER CONSTRUCTION INC	302 OAK STREET	FRONTENAC	KS	66763
HOOVER CONSTRUCTION COMPANY	302 S HOOVER RD	VIRGINIA	MN	55792
HORIZON GENERAL CONTRACTORS INC	7315 W ELIZABETH LN	FT WORTH	TX	76116
HORIZONTAL BORING & TUNNELING CO	505 S RIVER AVE	EXETER	NE	68351
HPI LLC	15503 WEST HARDY STREET	HOUSTON	TX	77060
HUSTON CONTRACTING INC	25640 W 143RD ST	OLATHE	KS	66061
HUTTON CONTRACTING CO INC	HWY 50	LINN	MO	65051
HYDRA-LUBE	6088 CANDICE LANE	LAKE CHARLES	LA	70615
HYDRO TECHNOLOGIES INC	6200 E HWY 62 BLD2501 300	JEFFERSONVILLE	IN	47130
HYDROCHEM LLC	900 GEORGIA AVENUE	DEER PARK	TX	77536
HYPERION BIOTECHNOLOGY INC	13302 LANGTRY STREET	SAN ANTONIO	TX	78248
I B ABEL INC	620 EDGAR STREET	YORK	PA	17403

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ILLINI DRILLED FOUNDATIONS INC	14512 PERRYSVILLE RD	DANVILLE	IL	61834
IMPACT INSTALLATIONS INC	10091 STREETER RD STE 2	AUBURN	CA	95602
IMPERIAL ROOF SYSTEMS CO	203 ARMOUR ST	WEST UNION	IA	52175
INCorp INC	3020 DIEGO DRIVE	EVANSVILLE	IN	47715
INDUSTRIAL MAINTENANCE CONTRACTORS INC	2301 GARDEN CITY HWY	MIDLAND	TX	79701
INDUSTRIAL MAINTENANCE OF TOPEKA INC	1556 LECOMPTON ROAD	PERRY	KS	66073
INDUSTRIAL ROOFING & CONSTRUCTION LLC	1128 HWY 2	STERLINGTON	LA	71280
INDUSTRIAL STEEL ERECTORS INC	2728 N CLARK STREET	DAVENPORT	IA	52804
INFRASTRUCTURE CORPORATION OF AMERICA	5110 MARYLAND WAY STE 280	BRENTWOOD	TN	37027
INFRASTRUCTURE ENGINEERS INC	1097 HWY 101 S #D11	GREER	SC	29651
INGRAM CONSTRUCTION COMPANY INC OF	173 HOY RD	MADISON	MS	39110
INK CONSTRUCTION LLC	8241 E KELLOGG DR STE 3	WICHITA	KS	67207
INNOVATIVE COMBUSTION TECHNOLOGIES INC	2367 LAKESIDE DR STE A-1	BIRMINGHAM	AL	35244
INNOVATIVE MASONRY RESTORATION LLC	16624 LAKESIDE AVE SE	PRIOR LAKE	MN	55372
INSULATING SERVICES INC	10709 H GRANITE STREET	CHARLOTTE	NC	28273
INTEGRATED SERVICE COMPANY LLC	1900 N 161ST E AVENUE	TULSA	OK	74116
INTERCON CONSTRUCTION INC	5512 STATE RD 19	WAUNAKEE	WI	53719
INTERMOUNTAIN SLURRY SEAL INC	585 W BEACH STREET	WATSONVILLE	CA	95077
INTERNATIONAL INDUSTRIAL CONTRACTING CORPORATION	35900 MMOUND RD	STERLING HEIGHTS	KS	48310
INTERSTATE AERIALS LLC	313 BORELLI BLVD	PAULSBORO	NJ	08066
INTERSTATE RESTORATION MISSOURI LLC	3401 QUORUM DRIVE STE 300	FORT WORTH	TX	76137
ISIS CONSULTANTS LLC	327 TOWNEPARK CIR 300B	LOUISVILLE	KY	40228
J & D CONSTRUCTION INC	4495 HWY 212	MONTEVIDEO	MN	56241
J CURRYCONSTRUCTION INC	1209 N ROUTE 45	MATTOON	IL	61938
J.H. HASSINGER INC	N60W16289 KOHLER LAND	MENOMONEE FALLS	WI	53051
JACKOVIC CONSTRUCTION COMPANY LLC	300 MT LEBANON BLVD 211A	PITTSBURGH	PA	15234
JACKSON DEAN CONSTRUCTION INC	3414 S 116TH ST	SEATTLE	WA	98168
JACOB FAMILY ENTERPRISES INC	9723 W STATE ROUTE 161	FAIRVIEW HTS	IL	62208
JACOBS GROUP INC	3600 CHAMBERLAIN LN 716	LOUISVILLE	KY	40241
JACOBS LADDER INC	2325 COBDEN SCHOOL ROAD	COBDEN	IL	62920
JAILS	350 S OHIO STREET	MINSTER	OH	45865
JAKES ELECTRIC LLC	207 ALLEN STREET	CLINTON	WI	53525
JAMES AGRESTA CARPENTRY, INC.	150 ENGLISH STREET	HACKENSACK	NJ	07601
JAMES HUNT CONSTRUCTION CO INC	313 FINDLAY ST	CINCINNATI	OH	45214
JAMES MCHUGH CONSTRUCTION CO	1737 S MICHIGAN AVE	CHICAGO	IL	60616
JAMES N GRAY CONSTRUCTION CO	250 W MAIN ST	LEXINGTON	KY	40507
JAY MCCONNELL CONSTRUCTION INC	9300 CHEROKEE PLACE	LENEXA	KS	66214
JEN MECHANICAL INC	803 HOPP HOLLOW DR	ALTON	IL	62002
JESCO INC	2020 MCCULLOUGH BLVD	TUPELO	MS	38801
JETTON GENERAL CONTRACTING INC	2407 5 LINWOOD DR	PARAGOULD	AR	72450
JF BRENNAN CO INC	820 BAINBRIDGE ST	LA CROSSE	WI	54603

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JF EDWARDS CONSTRUCTION COMPANY	220 S CHICAGO ST	GENESEO	IL	61254
JOHN A PAPALAS & CO INC	1187 EMPIRE	LINCOLN PARK	MI	48146
JOHN E GREEN COMPANY	220 VICTOR AVE	HIGHLAND PARK	MI	48203
JOHNSONS BUILDERS	1455 HODGES FERRY ROAD	DOYLE	TN	38559
JONES HYDROBLAST INC	P O BOX 309	ROYALTON	IL	62983
JR MERIT INC	4505 NE 68TH DRIVE	VANCOUVER	WA	98661
JRCT INCORPORATED	1019 BRADLEY DR STE 7	SPRINGFIELD	TN	37172
K & M CONCRETE CONSTRUCTION INC	235 INDUSTRIAL STREET	EDGERTON	MN	56128
KADILEX CONSTRUCTION INC.	563 N FIRST STREET	WOOD RIVER	IL	62095
KAISER ELECTRICAL CONTRACTORS INC	310A ERIE AVENUE	MORTON	IL	61550
KANE FIRE PROTECTION INC	170 E ALTON AVE	EAST ALTON AVE	IL	62024
KANSAS DUSTROL INC	GEN DEL	EL DORADO	KS	67042
KANTEX INDUSTRIES INC	1320 S HAMILTON CIR	OLATHE	KS	66061
KARR TUCKPOINTING LLC	1801 WEST D STREET	VINTON	IA	52349
KASPARIE CONSTRUCTION COMPANY	1500 MAAS RD	QUINCY	IL	62305
KBS CONSTRUCTORS INC	1701 SW 41ST	TOPEKA	KS	66609
KC DOORS INC	120 SOUTH CENTRAL AVE 400	CLAYTON	MO	63105
KEA CONSTRUCTORS LLC	962 238TH RD	MILFORD	NE	68405
KEEGAN WIRELESS	1586 ROUTE 481	CHARLEROI	PA	15022
KEELEY & SONS INC	5 LOISEL VILLAGE SHOP CTR	EAST ST LOUIS	IL	62203
KELVION INC	143 UNION BLVD STE 400	LAKEWOOD	CO	80228
KEMBER FLOORING INC	2055 S MERRILL	MERRILL	MI	48637
KEMNER E.I.F.S., INC	2022 SPRING	QUINCY	IL	62301
KENDALL CONSTRUCTION INC	2551 NW BUTTON ROAD	TOPEKA	KS	66618
KENT ANDERSON CONCRETE LP	830 E VALLEY RIDGE BLVD	LEWISVILLE	TX	75057
KES CONSTRUCTION LLC	11184 ANTIOCH 354	OVERLAND PARK	KS	66210
KEVIN KENT CONST LLC	15157 US HIGHWAY 34	LUCAS	IA	50151
KING OF TEXAS ROOFING COMPANY LP	307 GILBERT CIRCLE	GRAND PRAIRIE	TX	75050
KINLEY CONSTRUCTION COMPANY	201 N UNION ST BNK RM 502	OLEAN	NY	14760
KINLEY CONSTRUCTION GROUP LP	4025 WOODLAND PK BLVD 410	ARLINGTON	TX	76013
KNUTSON BROTHERS INC	873 PRENTICE ST	GRANITE FALLS	MN	56241
KOONTZ ELECTRIC COMPANY INC	PO BOX 501	MORRILTON	AR	72110
KOOPS INC	987 PRODUCTIONS CT	HOLLAND	MI	49423
KORTE & LUITJOHANCONTRACTORS INC	12052 HIGHLAND ROAD	HIGHLAND	IL	62249
KOSS CONSTRUCTION CO	4090 WESTOWN PKWY STE B	W DES MOINES	IA	50266
KR WOLFE INC	10015 MAINE AVENUE	LAKESIDE	CA	92040
KRYSTAL COMPANIES LLC	6830 W 152ND TER	OVERLAND PARK	KS	66223
KUHLMAN REFRIGERATION INC	N56W16865 RIDGEWOOD 100	MENOMONEE FALLS	WI	53051
KWCC INC	1284 SOUTH US HWY 12 #13	FOX LAKE	IL	60020
L AND A PLUMBING INC	5087 BLUE SPRINGS ROAD	MARIANNA	FL	32446
LAFORGE & BUDD CONST COMPANY INC	2020 N 21ST ST	PARSON	KS	67357
LAKEVIEW CONSTRUCTION OF WISCONSIN	10505 CORPORATE DR #200	PLEASANT PRAIRI	WI	53158

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LAMAR MOORE CONSTRUCTION INC	4401 STATE ROUTE 162	GRANITE CITY	IL	62040
LAND ART LANDSCAPING INC	12429 HOWE DRIVE	LEAWOOD	KS	66209
LARSON HARVESTING INC	447 SUNFLOWER RD	WATERVILLE	KS	66548
LATSHAW DRILLING COMPANY LLC	P O BOX 691017	TULSA	OK	74169
LAYTON CONSTRUCTION CO INC	9090 S SANDY PKWY	SANDY	UT	84070
LEANTRAK INC	1645 INDIAN WOOD CR #101	MAUMEE	OH	43537
LEICK CONSTRUCTION INC	22027 221ST STREET	GLENWOOD	IA	51534
LEISURE CONSTRUCTION & RENOVATION LLC	5000 W 95TH ST #100	PRAIRIE VILLAGE	KS	66207
LINKOUS CONSTRUCTION CO INC	1661 AARON BRENNER DR 207	MEMPHIS	TN	38120
LM WIND POWER SERVICE AMERICAS INC	1580 S 48TH ST	GRAND FORKS	ND	58202
LOCK EQUIPMENT SALES CO INC	8118 FLOYD ST	OVERLAND PARK	KS	66204
LOELLKE PLUMBING INC	22974 E COUNTY ROAD	JERSEYVILLE	IL	62052
LONE STAR RAILROAD CONTRACTORS INC	1101 TURTLE CREEK DR	O'FALLON	MO	63366
LONGS DRILLING SERVICE INC	6768 LYNX LANE	HARRISON	AR	72601
LOTEMP EQUIPMENT COMPANY	8707 N 29TH ST	OMAHA	NE	68112
LOUK AG SERVICES LLC	104 BEECH STREET	ROXHOLM	IA	50040
LOYD BUILDERS INC	2126 SOUTH ELM	OTTAWA	KS	66067
LR MOURNING CO	2230 COTTONDALE LN STE 5	LITTLE ROCK	AR	72202
LUND-ROSS CONSTRUCTORS INC	4601 F STREET	OMAHA	NE	68117
LYNN ELECTRIC & COMMUNICATIONS, INC.	2415 PONDEROSA DR	LAWRENCE	KS	66046
M & L ELECTRICAL INC	6060 SCOTTSVILLE RD	BOWLING GREEN	KY	42104
M & W CONTRACTORS INC	400 S STEWART ST	E PEORIA	IL	61611
M CHEMICAL COMPANY INC	825 COLORADO BLVD STE 214	LOS ANGELES	CA	90041
M CON LLC	2335 165TH ROAD	WATHENA	KS	66090
M&J ELECTRIC OF WICHITA LLC	1444 S ST CLAIR BLDG D	WICHITA	KS	67213
MAAS CONSTRUCTION	3615 SAINT ANTHONY ROAD	QUINCY	IL	62305
MAC COMMUNICATIONS LLC	6436 MONAHITI PLACE NE	ALBURQUERQUE	NM	87109
MACHINE REPAIR INTERNATIONAL LLC	2526 MANKAS CORNER RD	FAIRFIELD	CA	94534
MACON GC LLC	201 BONITA AVENUE	BRADFORD	IL	61421
MAHANEY ROOFING COMPANY INC	2822 N MEAD ST	WICHITA	KS	67219
MAJOR REFRIGERATION CO INC	314 NORTHWESTERN AVENUE	NORFOLK	NE	68701
MANAGEMENT RESOURCE SYSTEMS INC	1907 BAKER RD	HIGH POINT	NC	27263
MANATTS INC	1775 OLD 6 RD	BROOKLYN	IA	52211
MANHATTAN CONSTRUCTION COMPANY	5601 SO 122ND E AVE	TULSA	OK	74146
MAPP CONSTRUCTION LLC	344 THIRD STREET	BATON ROUGE	LA	70801
MARINO ENGINEERING ASSOCIATES	1101 E COLORADO AVE	URBANA	IL	61801
MARKETING ASSOCIATES INC	131 ST JAMES WAY	MOUNT AIRY	NC	27030
MARRS ELECTRIC INC OF ARKANSAS	701 KAWNEER DR	SPRINGDALE	AR	72764
MASCOT CONSTRUCTION INC	1782 W MCDERMOTT DRIVE	ALLEN	TX	75013
MASONS LANDSCAPING & CONSTRUCTION SERVICES INC	1716 TUDOR AVE	EAST ST LOUIS	IL	62207
MASTER MILLWORK INC	11603 CANYON RD EAST	PUYALLUP	WA	98373

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MATHEWZ CONSTRUCTION LLC	602 BRIAR LAKE PLACE	COLUMBIA	IL	62236
MATTCON GENERAL CONTRACTORS INC	5460 W 84TH STREET	ZIONSVILLE	IN	46268
MAXCOR INC	1331 E DUNSLOW LN	LOCKPORT	IL	60441
MAYER POLLOCK STEEL CORPORATION	850 INDUSTRIAL HIGHWAY	POTTSTOWN	PA	19464
MCCARTHY IMPROVEMENT COMPANY	5401 VICTORIA AVE	DAVENPORT	IA	52807
MCCLAIN & CO INCORPORATED OF VIRGINIA	19152 GERMANN HWY	CULPEPER	VA	22701
MCG ENERGY SOLUTIONS, LLC	901 MARQUETTE AVE #1000	MINNEAPOLIS	MN	55402
MCPHERSON CONTRACTORS INC	3715 W 29TH ST	TOPEKA	KS	66614
MCSHANE CONSTRUCTION COMPANY LLC	9550 W HIGGINS RD STE 200	ROSEMONT	IL	60028
MECHANICAL CONSTRUCTION SERVICES IN	1711 MELROSE DR	BENTON	AR	72015
MERRICK UNDERGROUND CONSTRUCTION LLC	4003 DEER CROSSING DR	JANESVILLE	WI	53546
MESSERSMITH MANUFACTURING INC	2612 F ROAD	BARK RIVER	MI	49807
MEYER CONTRACTING AND CONSTRUCTION INC	11000 93RD AVENUE N	MAPLE GROVE	MN	55369
MEYERS PLUMBING	4117 MAIN STREET RD	KEOKUK	IA	52632
MEYLAN INDUSTRIAL SERVICES INC	3919 S 147TH ST STE 124	OMAHA	NE	68144
MICHIGAN COMMERCIAL CONTRACTORS INC	16745 COMSTOCK STREET	GRANDHAVEN	MI	49417
MID AMERICA MILLING COMPANY LLC	6200 E HWY 62BLD 2501 400	JEFFERSONVILLE	IN	47130
MID AMERICA PIPELINE CONSTRUCTION INC	5660 N 433 ROAD	ADAIR	OK	74330
MID SOUTH INDUSTRIAL INC	13994 HWY 79	BELLS	TN	38006
MID STATES ELECTRIC CO INC	P O BOX 156	S SIOUX CITY	NE	68776
MID STATES INDUSTRIAL INC	519 E SHIPYARD RD	SENECA	IL	61360
MIDLAND INDUSTRIAL SERVICE LLC	2953 HONEYSUCKLE LANE	ROGERS	AR	72758
MIDSOUTH SPECIALTY CONSTRUCTION LLC	5731 OSBOURNE RD	ST JOE	AR	72675
MIDWEST COOLING TOWERS INC	1156 HIGHWAY 19	CHICKASHA	OK	73018
MIDWEST CUSTOM POOLS LLC	600 LINCOLN	LAWRENCE	KS	66044
MIDWEST MASONRY CONSTRUCTION INC	5606 SW TOPEKA BLVD STE C	TOPEKA	KS	66609
MIDWEST MECHANICAL INDUSTRIAL SERVICES	311 E 7TH STREET	LOGAN	IA	51546
MIDWEST MOLE INC	2460 N GRAHAM AVE	INDIANAPOLIS	IN	46218
MIDWEST MOWING INC	2450 OWENS LANE	BRIGHTON	IL	62012
MIDWEST REBAR LLC	6988 BUFFALO RD	MOUNTAIN HOME	AR	72653
MILESTONE CONSTRUCTION COMPANY LLC	2002 SOUTH 48TH STREET	SPRINGDALE	AR	72762
MILLER INSULATION CO INC	US HWY 65 & MO HWY 127	MALTA BEND	MO	65339
MINERAL FABRICATION & MACHINE CO IN	WAXLER RD INDUS PK	KEYSER	WV	26726
MINNESOTA LIMITED LLC	18640 200TH STREET	BIG LAKE	MN	55309
MIXER SYSTEMS INC	190 SIMMONS AVENUE	PEWAUKEE	WI	53072
MIXONSITE USA INCORPORATED	1501 ABBOTT COURT	BUFFALO GROVE	IL	60089
MJM SERVICES CONSTRUCTION INC	P O BOX 24006	BELLEVILLE	IL	62223
MKR SERVICES INC	3849 LAKE MICHIGAN DR NW	GRAND RAPIDS	MI	49534
MLA GEOTHERMAL DRILLING LLC	205 HACKBERRY DRIVE	GRETNA	NE	68028
MODERN BUILDING SYSTEMS INC	9493 PORTER RD SE	AUMSVILLE	OR	97325
MODERN PIPING OF IOWA INC	P O BOX 128	CEDAR RAPIDS	IA	52406
MODERN WASH SYSTEMS & SOLUTIONS	402 DIVISION STREET	POLSON	MT	59860

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MOLIN CONCRETE PRODUCTS CO INC	415 LILAC STREET	LINO LAKES	MN	55014
MOLTUS BUILDING GROUP LLC	3200 JAMES SAVAGE RD 4	MIDLAND	MI	48642
MOORE ASPHALT INC	1 COMMERCIAL STREET	MILLSTADT	IL	62260
MORGAN HAYDEN LLC	136 HUD RD	WINCHESTER	KY	40391
MORRIS BECK CONSTRUCTION SERVICES INC	8100 COLONEL GLENN RD	LITTLE ROCK	AR	72204
MORRISSEY CONTRACTING COMPANY INC	705 SOUTHMOOR PL	GODFREY	IL	62035
MOSS ROOFING & INSULATION INC	310 HWY 150 SOUTH	WEST UNION	IA	52175
MOUNTAIN STATES ROOFING INCORPORATED	413 E 41ST STREET	GARDEN CITY	ID	83714
MRM CONSTRUCTION INC	110 BELLAMY DRIVE	GALLIPOLIS	OH	45631
MTD ELECTRIC LLC	22004 S WAVERLY RD	SPRING HILL	KS	66083
MUELLER CONTRACTING LLC	508 S CHURCH ST	WATERLOO	IL	62298
MULTATECH ENGINEERING INC	2821 W 7TH STREET STE 400	FORT WORTH	TX	76107
MULTIPLE CONCRETE ENTERPRISES INC	1680 W 1000 N	LAYTON	UT	84041
MUNICIPAL PIPE SERVICES INC	1623 W J STREET	HASTINGS	NE	68901
MUNICIPAL PIPE TOOL COMPANY LLC	515 5TH ST PO BOX 398	HUDSON	IA	50643
MUNIE TRENCHING & EXCAVATING	1818 PINE STREET	HIGHLAND	IL	62249
MV RESIDENTIAL CONSTRUCTION INC	9349 WATERSTONE BLVD	CINCINNATI	OH	45249
MYLES LORENTZ INC	48822 OLD RIVER BLUFF RD	ST PETER	MN	56082
NATIONAL CONSULTING & DEVELOPMENT INC	1204 GRAEDON DRIVE	RALEIGH	NC	27603
NATIONAL ERECTORS & BUILDERS INC	13739 KAYSER RD	HIGHLAND	IL	62249
NATIONAL SERVICE SOLUTIONS US INC	101 GRANT WAY	MOXEE	WA	98936
NATIONWIDE RETAIL SERVICES INC	6768 CR 140	KAUFMAN	TX	75142
NEBRASKA ELECTRICAL SERVICES LLC	10176 L STREET	OMAHA	NE	68127
NELSON INDUSTRIAL SERVICES INC	6021 MELROSE LN	OKLAHOMA CITY	OK	73127
NEW STAR COMMUNICATIONS INTERNATIONAL INC	597 PLEASANT GROVE BLVD 7	PLEASANT GROVE	UT	84062
NEW TEAM LLC	1 WEST LASOLAS BLVD FL4	LT LAUDERDALE	FL	33301
NEW TECH CONSTRUCTION INC	PO BOX 39	NEBRASKA CITY	NE	68410
NOMAD PIPELINE SERVICES LLC	1351 BROADWAY STREET W	ROCKVILLE	MN	56369
NORMENT SECURITY GROUP INC	3224 MOBILE HWY	MONTGOMERY	AL	36108
NORTH AMERICAN ROOFING SYSTEMS INC	3 WINNER CIRCLE	ARDEN	NC	28704
NORTH CENTRAL SERVICE, INC	227 1ST AVE	CLEARBROOK	MN	56634
NORTH MISSISSIPPI CONVEYOR COMPANY INC	HWY 7S LAFAYETTE CO RD370	OXFORD	MS	38655
NORTHERN CLEARING INC	1805 W MAIN ST	ASHLAND	WI	54806
NORTHERN VENTURES INCORPORATED	11050 QUIVIRA	OVERLAND PARK	KS	66210
NORTHWEST AG SYSTEMS INC	1919 22ND ST	BOONE	IA	50036
NOVINIUM INC	1221 29TH ST NW STE D	AUBURN	WA	98001
NUTRI-JECT SYSTEMS INC	515 5TH ST	HUDSON	IA	50643
NWA GARAGE SOLUTIONS, INC.	5108 N CHEYENNE TRAIL	ROGERS	AR	72756
OLYMPUS PAINTING CONTRACTORS INC	556 ANCLOTE RD	TARPON SPGS	FL	34689
ON AIR SOLUTIONS INC	10020 FAIRBANKS N HOUSTON	HOUSTON	TX	77064
ONEILL CONSTRUCTION LLC	2217 W 49TH STREET	WESTWOOD HILLS	KS	66205
ORASURE TECHNOLOGIES INC	220 EAST FIRST STREET	BETHLEHEM	PA	18015

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
OUTDOOR SYSTEMS INC	660 STATE ROUTE 158	COLUMBIA	IL	62236
OZARK-AG CONSTRUCTION LLC	102 E SUNBRIDGE DR STE 13	FAYETTEVILLE	AR	72703
P.C.F. CONST., INC	1311 CART LANE	BELLEVILLE	IL	62221
PADGETT BUILDING & REMODELING CO	4200 SMELTING WORKS RD	BELLEVILLE	IL	62226
PARAGON INTERNATIONAL INC	2885 N BERKELEY LAKE #17	DULUTH	GA	30096
PARK CONSTRUCTION MIDWEST INC	7900 BEECH ST NE	MINNEAPOLIS	MN	55432
PARSONS PROJECT SERVICES CO	16055 SPACE CNTR BLVD 725	HOUSTON	TX	77034
PENETRADAR CORPORATION	2509 NIAGARA FALLS BLVD	NIAGARA FALLS	NY	14304
PEOPLENOW	9000 SUNSET BLVD STE 900	WEST HOLLYWOOD	CA	90069
PERENNIAL ENVIRONMENTAL I LLC	5700 NW CENTRAL STE 210	HOUSTON	TX	77092
PERFECT PLAY FIELDS AND LINKS INC	1921 HIDDEN LAKES DRIVE	BELLEVILLE	IL	62226
PERRETT CONSTRUCTION LTD	111 HOWARD ST	CLARKSVILLE	MO	63336
PETORE ASSOCIATES INC	1255 RT 70 STE 21N	LAKEWOOD	NJ	08701
PETTUS PLUMBING & PIPING INC	P O BOX 3237	MUSCLE SHOALS	AL	35662
PFEFFERKORN & DRURY CONSTRUCTION LLC	109 E OTTAWA STREET	PAOLA	KS	66071
PHOENIX MODULAR ELEVATOR	912 S 19TH STREET	MT VERNON	IL	62864
PIASA COMMERCIAL INTERIORS INC	1001 S MORRISON AVE	COLLINSVILLE	IL	62234
PINNACLE CONSTRUCTION OF IOWA INC	203 N CHESTNUT ST	GLENWOOD	IA	51534
PINNACLE MECHANICAL	240 OLD HORTON RD	ALBERTVILLE	AL	35950
PIPING CONTRACTORS OF KANSAS INC	115 SW JACKSON	TOPEKA	KS	66603
PISHNY REAL ESTATE SERVICES LLC	12202 W 88TH STREET	LENEXA	KS	66215
PITRE CONSTRUCTION INC	6835 TOWN HALL ROAD	BELLEVILLE	IL	62223
PK CONTRACTORS LLC	10816 TOWN CENTER BLVD	DUNKIRK	MD	20754
PLYLERS AT YOUR SERVICE INC	10 CREEK STREET	BROOKVILLE	PA	15825
P-N-G CONTRACTING INC	917 CARLA DR	TROY	IL	62294
POLIVKA INTERNATIONAL COMPANY INC	13700 PROVIDENCE RD	WEDDINGTON	NC	28104
POLY VINYL ROOFING INC	785 ELBOW CREEK ROAD	MOUNT VERNON	IA	52314
PORTERS COMMERCIAL REFRIGERATION INC	118 RIDGE DR	GREENBRIER	AR	72058
POWER HOME TECHNOLOGIES, LLC	4521 PRESLYN DRIVE	RALEIGH	NC	27616
POWERHOUSE RETAIL SERVICES LLC	812 CROWLEY RD STE A	CROWLEY	TX	76036
POWERSECURE INC	1609 HERITAGE COMMERCE CT	WAKE FOREST	NC	27587
PRAIRIE CONTRACTORS INC	9318 GULFSTREAM RD STE C	FRANKFORT	IL	60423
PRECISION CONCRETE CUTTING MIDWEST	9044 PARKHILL ROAD	LENEXA	KS	66215
PRECISION UTILITIES GROUP INC	5916 E STATE BLVD	FORT WAYNE	IN	46815
PREDICTIVE TECHNOLOGIES INC	18827 570TH AVENUE	AUSTIN	MN	55912
PREFERRED CONCRETE CONSTRUCTION INC	16136 149TH STREET SE	BIG LAKE	MN	55309
PREFERRED GLOBAL INC	1360 SOUTH 10TH STREET	NOBLESVILLE	IN	46060
PRELOAD LLC	4000 TOWER ROAD	LOUISVILLE	KY	40219
PREMIER AIR CENTER INC	2 AIRLINE COURT	EAST ALTON	IL	62024
PREMIER SITE SERVICES LLC	723A N LEHMBERG ROAD	COLUMBUS	MS	39702
PREMIER STEEL INC	3248 MARTIN LUTHER KING	ANDERSON	IN	46013
PRO TEK INDUSTRIAL COATINGS LLC	2123 WINDWALKER GROVE	COLORADO SPRINGS	CO	80904

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PROCESS EQUIPMENT INC	2770 WELBORN STREET	PELHAM	AL	35124
PROCESS SOLUTIONS INC	1077 DELL AVE STE A	SANTA CLARA	CA	95008
PROGRESSIVE SERVICES INC	23 N 35TH AVE	PHOENIX	AZ	85009
PROJECTILE TUBE CLEANING INC	110 VALLEY VIEW DRIVE	FORD CITY	PA	16226
PROSHOT CONCRETE INC	4158 MUSGROVE DRIVE	FLORENCE	AL	35630
PROSSER WILBERT CONSTRUCTION INC	13730 W 108TH ST	LENEXA	KS	66215
PSF MECHANICAL INC	11621 E MARGINAL WAY S A	SEATTLE	WA	98168
PUSH INC	2170 18TH ST	RICE LAKE	WI	54868
PYRO INDUSTRIAL SERVICES INC	6610 SHEPHERD AVENUE	PORTAGE	IN	46368
Q AND D CONSTRUCTION INC	1050 S 21ST STREET	SPARKS	NV	89431
Q3 CONTRACTING INC	3066 SPRUCE ST	LITTLE CANADA	MN	55117
QA TECHNOLOGIES INC	222 S 72ND ST STE 301	OMAHA	NE	68114
QCI THERMAL SYSTEMS INC	405 DRY CREEK AVENUE	WEST BURLINGTON	IA	52655
QUAD COUNTY AG LLC	1485 130TH STREET	PATON	IA	50217
QUALITY ELECTRIC OF DOUGLAS COUNTY INC	1011 E 31ST STREET	LAWRENCE	KS	66046
QUALITY STRIPING INC	1704 E EUCLID AVE	DES MOINES	IA	50313
R&R CONTRACTING	15418 MEYER DRIVE	BASEHOR	KS	66007
R.T.L. CONSTRUCTION MN, INC.	4000 VALLEY IND BLVD S	SHAKOPEE	MN	55379
RABALAIS CONSTRUCTORS, LLC	11200 UP RIVER RD	CORPUS CHRISTI	TX	78410
RAMON J GARCIA CONSTRUCTION	3315 N 115TH STREET	KANSAS CITY	KS	66109
RAMPART CONSTRUCTION SERVICES LP	530 MOON CLINTON RD	CARAOPOLIS	PA	15108
RAMSEY WELDING INC	5360 E 900TH AVENUE	ALTAMONT	IL	62411
RANGER PLANT CONSTRUCTIONAL CO INC	5851 E INTERSTATE 20	ABILENE	TX	79601
RAO CONSTRUCTION	734 EVERGREEN CT	RHINELANDER	WI	54501
RAWLINGS INDUSTRIAL INC	12402 N DIVISION ST #246	SPOKANE	WA	99218
RECTENWALD BROTHERS CONSTRUCTION INCORPORATED	3540 SUTTON DR	ST CHARLES	MO	63301
RED DOT CONSTRUCTION AND EQUIPMENT RENTAL INC	501 HILLVIEW DR	CHESTER	IL	62233
REDDY ELECTRIC CO	1331 CIVIL WAR AVE	CARTHAGE	MO	64836
REDNOUR STEEL ERECTORS INC	HWY 150	CUTLER	IL	62238
REED DILLON & ASSOCIATES LLC	1213 E 24TH STREET	LAWRENCE	KS	66046
RELIABLE RELAMPING INC	6459 NASH HIGHWAY	SARANAC	MI	48881
RELIA TECH INC	2280 SIBLEY COURT	EAGAN	MN	55122
REMB CO GEOTECHNICAL CONTRACTORS INC	10410 COGDILL ROAD	KNOXVILLE	TN	37932
RENIER CONSTRUCTION CORPORATION	2164 CITY GATE DRIVE	COLUMBUS	OH	43219
RESTAURANT SPECIALTIES INC	999 POLARIS PKWY STE 111	COLUMBUS	OH	43240
RETAIL CONSTRUCTION SERVICES INC	11343 39TH ST N	ST PAUL	MN	55042
RETAIL CONTRACTING GROUP INC	33671 820TH AVE	ELLENDALE	MN	56026
RETAIL STOREFRONT GROUP INC	419 MIAMI AVE	LEEDS	AL	35094
RFB CONSTRUCTION CO INC	565 E 520TH AVE	PITTSBURGH	KS	66762
RHODEN ROOFING LLC	358 S LAURA	WICHITA	KS	67211
RICHARD NACHBAR PLUMBING INC	13411 W 74TH ST	SHAWNEE	KS	66216

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RIDGELINE CONSTRUCTION	4362 S 87TH STREET	OMAHA	NE	68127
RIEKE GRADING INC	8200 HEDGE LANE TERRACE	SHAWNEE	KS	66227
RIGHT WAY FACILITY SERVICES OF TEXAS LLC	3017 WAITS AVENUE	TARRANT	TX	76109
RJ MECHANICAL INC	3153 BELLWOOD DRIVE	BIRMINGHAM	AL	35243
ROBINS & MORTON GROUP THE	400 SHADES CREEK PKWY	BIRMINGHAM	AL	35209
ROBUST BUILDERS LLC	270 GREENWICH AVE	GREENWICH	CT	06830
ROCK REMOVAL RESOURCES LLC	1125 N MILITARY AVENUE	GREEN BAY	WI	54303
ROCKFORD CONSTRUCTION COMPANY	1090 36TH ST SE STE 620	GRAND RAPIDS	MI	49508
ROEHL REFRIGERATED TRANSPORT LLC	1916 E 29TH STREET	MARSHFIELD	WI	54449
ROLLING PLAINS CONSTRUCTION INC	12331 N PEORIA ST	HENDERSON	CO	80640
RON WEERS CONSTRUCTION INC	20765 S FOSTER COURT	BUCYRUS	KS	66013
RON SIGN COMPANY	1329 S HANDLEY	WICHITA	KS	67213
ROPE PARTNER INC	2125 DELEWARE AVE STE C	SANTA CRUZ	CA	95060
ROY ANDERSON CORP	11400 REICHHOLD ROAD	GULFPORT	MS	39503
ROYAL ROOFING COMPANY INC	2445 BROWN ROAD	ORION	MI	48359
ROYAL SEAL CONSTRUCTION INC	124 MCMAKIN RD	BARTONVILLE	TX	76226
ROYALTY COMPANIES OF INDIANA INC	1000 D AVENUE	SEYMOUR	IN	47274
RP COATINGS INC	710A S MAIN STREET	TROY	IL	62294
RSC CONSTRUCTION INC	1631 INDIAN RD	FORT SCOTT	KS	66701
RTCC CONTRACTORS	10425 COGDILL ROAD	KNOXVILLE	TN	37932
RUEDEBUSCH DEVELOPMENT & CONSTRUCTION INC	4605 DOVETAIL DRIVE	MADISON	WI	53704
RUSSELL CONSTRUCTION COMPANY	1414 MISSISSIPPI BLVD	BETTENDORF	IA	52722
RYAN & ASSOCIATES OF MISSOURI INC	10955 160TH STREET	DAVENPORT	IA	52804
RYAN COMPANIES US INC	50 S TENTH ST STE 300	MINNEAPOLIS	MN	55403
RYAN INCORPORATED CENTRAL	2700 EAST RACINE STREET	JANESVILLE	WI	53545
S & S POWERLIFT DOORS INC	6926 E SUMMERSIDE CT	BEL AIRE	KS	67226
S & W CONSTRUCTION LLC OF IOWA	109 MOODY DR	HAMBURG	IA	51640
SAAB NORTH AMERICA INC	21300 RIDGETOP CIRCLE	STERLING	VA	20166
SAFEGUARD ELECTRIC INC	4131 FF ROAD	COLUMBIA	IL	62236
SAMRON MIDWEST CONTRACTING INC	1510 N 7TH STREET	MURPHYSBORO	IL	62966
SARENS	5000 EXECUTIVE PKWY #230	SAN RAMON	CA	94583
SATELLITE RECEIVERS LTD	1740 COFRIN DR STE 2	GREEN BAY	WI	54302
SATELLITE SERVICES INC	120 SUPERIOR RD	ST ROBERT	MO	65583
SCHECK TECHNICAL SERVICES	500 E PLAINFIELD RD	COUNTRYSIDE	IL	60525
SCHEIDT & BACHMANN USA INC	31 NORTH AVE	BURLINGTON	MA	01803
SCHLEIS FLOOR COVERING INC	2744 MANITAWOC ROAD	GREEM BAY	WI	54311
SCHULTZ BROTHERS ELECTRIC CO INC	9635 W 116TH CIR	OVERLAND PARK	KS	66210
SCHUMACHER ELEVATOR COMPANY	ONE SCHUMAKER WAY	DENVER	IA	50622
SCHUPPS LINE CONSTRUCTION INC	10 PETRA LANE	ALBANY	NY	12205
SCHWEITZER ENGINEERING LABORATORIES, INC.	2350 NE HOPKINS CT	PULLMAN	WA	99163
SCHWICKERTS TECTA AMERICA LLC	330 POPLAN STREET	MANKATO	MN	56001
SCHWOB BUILDING COMPANY LTD	2349 GLENDA LANE	DALLAS	TX	75229

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SEAMLESS SOLUTIONS LLC	12605 W SANTA FE TRAIL DR	LENEXA	KS	66215
SECURICON LLC	5400 SHAWNEE RD STE 206	ALEXANDRIA	VA	22312
SECURITAS ELECTRONIC SECURITY INC	2 CAMPUS DR	PARSIPPANY	NJ	07054
SEELE INC	259 W 30TH ST 14TH FLOOR	NEW YORK	NY	10001
SEK HEAT & AIR INC	422 W ATKINSON	PITTSBURG	KS	66762
SEMA CONSTRUCTION INC	7353 S EAGLE ST	ENGLEWOOD	CO	80112
SEMINOLE EQUIPMENT INC	204 TARPON INDUSTRIAL DR	TARPON SPGS	FL	34688
SERVICE & INDUSTRIAL REPAIR INC	RR 2 BOX 176	PLEASANTON	KS	66075
SERVICE TECHNOLOGIES MIDWEST	6800 W 64TH STREET	OVERLAND PARK	KS	66202
SEVEN25 LLC	459 MONTGOMERY DRIVE	WESTFIELD	IN	46074
SG CONSTRUCTION SERVICES LLC	111 E COURT ST 1A	FLINT	MI	48502
SHAFFER ENTERPRISES D & T LLC	301 LEONA LANE	URSA	IL	62376
SHAWNEE MISSION TREE SERVICE INC	8250 COLE PKWY	SHAWNEE MSN	KS	66227
SHERMCO INDUSTRIES INC	2425 E PIONEER DR	IRVING	TX	75061
SHERRILL CONSTRUCTION COMPANY LLC	12808 HWY 64 W	TYLER	TX	75704
SHIELDS TELECOMM, INC.	7 CIRCLE DR	MOUNT VERNON	IL	62864
SHORTRIDGE CONSTRUCTION COMPANY, INC.	3908 N 24TH ST	QUINCY	IL	62301
SIERRA BRAVO CONTRACTORS LLC	7038 HWY 154	SESSER	IL	62884
SIGN CRAFTERS INC	1508 STRINGTOWN RD	EVANSVILLE	IN	47711
SIGN ME UP OF WISCONSIN LLC	311 FOREST AVENUE	SHEBOYGAN FALLS	WI	53085
SIGNET BUILDERS INC	3103 ALMOND RD	AMES	IA	50014
SIMBECK & ASSOCIATES INC	38256 HWY 160	MANCOS	CO	81328
SIMON ROOFING AND SHEET METAL CORP.	70 KARAGO AVE	YOUNGSTOWN	OH	44512
SIMON SEZ POWERHOUSE INC	1401 EBONY AVENUE	WAVERLY	IA	50677
SKYLINE TECHNOLOGY SOLUTIONS	6956-F AVIATION BLVD	GLEN BURNIE	MD	21061
SKYTOP TOWERS INC	13503 W US HWY 34	MALCOLM	NE	68402
SLEETH ELECTRIC INC	48W605 HINCKLEY ROAD	BIG ROCK	IL	60511
SLEETH TOWER & COMMUNICATIONS, LLC	48W605 HINCKLEY ROAD	BIG ROCK	IL	60511
SMARTLINK, LLC	1449 WHITEHALL ROAD	ANNAPOLIS	MD	21409
SMITH TANK & STEEL INC	42422 HWY 30	GONZALES	LA	70737
SMITHSON INC	1661 S WESLEYAN BLVD	ROCKY MOUNT	NC	27803
SNELSON COMPANIES INC	601 W STATE ST	SEDRO WOOLLEY	WA	98284
SNI COMPANIES	4500 WESTOWN PKWY STE 120	WEST DES MOINES	IA	50266
SOLARIS ROOFING SOLUTIONS INC	4800 JACOBS OLD COAL RD	SHREWSBURY	MO	63119
SOLID PLATFORMS INC	6610 MELTON RD	PORTAGE	IN	46368
SORELLA GROUP	16392 W 157TH ST	OLATHE	KS	66062
SOUTHEAST DIRECTIONAL DRILLING LLC	3117 N CESSDA AVE	CASA GRANDE	AZ	85222
SOUTHERN ENVIRONMENTAL INC	6536 W NINE MILE RD	PENSACOLA	FL	32526
SOUTHERN ERECTORS INC	6540 W NIN MILE RD	PENSACOLA	FL	32526
SOUTHERN MARINE CONSTRUCTION CO	100 HAMM ROAD	CHATTANOOGA	TN	37405
SOUTHWEST FIXTURE INSTALLERS INC	242 W VAUGHN	TEMPE	AZ	85283
SOUTHWEST GREENS COMPANY	101 AIRPORT ROAD	ALTO	NM	88312

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SOUTHWESTERN CONSTRUCTION SERVICES INC	4542 STATE RT 160	HIGHLAND	IL	62249
SPAN SYSTEMS INC	90 PINE STREET	HUDSON	NH	03103
SPARROW PLUMBING & HEATING INC	313 DELAWARE	QUINCY	IL	62301
SPECPRO INCORPORATED OF NEBRASKA	307 ELK RIDGE DR	PAPILLION	NE	68046
SPECTRA TECH LLC	16100 ALLISONVILLE RD	NOBLESVILLE	IN	46060
STARR HOMES LLC	7229 W 161ST ST	OVERLAND PARK	KS	66085
STEEL ERECTORS OF IOWA LLC	1592 NE 58TH AVENUE	DES MOINES	IA	50313
STEPHENS & SMITH CONSTRUCTION CO INC	1542 S 1ST ST	LINCOLN	NE	68502
STEVE HOEGGER & ASSOCIATES INC	2630 N HIGHWAY 78	WYLIE	TX	75098
STILL CONSTRUCTION INC	PO BOX 70	LEAD HILL	AR	72644
STILL CONTRACTORS LLC	15740 S MAHAFFIE ST	OLATHE	KS	66062
STILTNER ELECTRIC INC	340 HERKY STREET	NORTH LIBERTY	IA	52317
STREICHER EXCAVATING INC	1718 EAST BREMER AVE	WAVERLY	IA	50677
STRINGER CONSTRUCTION COMPANY INC	6141 LUCILE AVE	SHAWNEE	KS	66203
STRUDEL ELECTRIC INC	375 W WALNUT ST	GIRARD	KS	66743
SUNLAND CONSTRUCTION INC	HWY 13 SOUTH	EUNICE	LA	70535
SUPER SKY PRODUCTS ENTERPRISES LLC	10301 N ENTERPRISE DRIVE	MEQUON	WI	53092
SUPREME ELECTRIC CO	213 S 10TH	QUINCY	IL	62306
SURF PREP INC	19305 HAYDEN COURT	BOOKFIELD	WI	53045
SURFACE AMERICA INC	505 AERO DR	CHEEKTOWAGA	NY	14225
SURFACE PREPARATION TECHNOLOGIES LLC	81 TEXACO ROAD	MECHANICSBURG	PA	17050
SWALVE ENTERPRISES LLC	1755 S WHITE CIRCLE	DEWEY	AZ	86327
SWANSTON EQUIPMENT COMPANY	3404 MAIN AVE	FARGO	ND	58103
SWIFT ROOFING INC	INDUSTRIAL RD	MURRAY	KY	42071
SYS-KOOL COOLING TOWERS INC	11313 SO 146TH STREET	OMAHA	NE	68138
SYSTEMS AMERICA INC	2603 CAMINO RAMON	SAN RAMON	CA	94582
T V JOHN & SON INC	5201 N 124TH STREET	BUTLER	WI	53007
T WALSTER OF MAEYSTOWN INC	3907 BAUM ROAD	MAEYSTOWN	IL	62256
T WINN CONSTRUCTION COMPANY	15018A CIRCLE	OMAHA	NE	68144
T.J.'S GENERAL CONTRACTING, INC.	P O BOX 304	PLEASANT HILL	IL	62366
TANCO ENGINEERING INCORPORATED	1400 TAURUS COURT	LOVELAND	CO	80537
TANK BUILDERS INC	13400 TRINITY BLVD	EULESS	TX	76039
TANK FOUNDATIONS INC	410 W FRONT ST	LAKE MILLS	IA	50450
TAYLOR BROS.CONSTRUCTION CO INC	4555 MIDDLE RD	COLUMBUS	IN	47203
TCI SERVICES INCORPORATED	4333 W 21ST ST	TULSA	OK	74107
TCR SYSTEMS	4900 N BRUSH COLLEGE RD	DECATUR	IL	62526
TDR CONTRACTORS INC	1523 W TYLER ST	GILMER	TX	75644
TEAM INDUSTRIAL SERVICES INC	25 BODRINGTON CT MARKHAM	ONT CAN L6G	ON	99999
TEAM POWER GROUP LLC	1366 DUBLIN RD	COLUMBUS	OH	43215
TEKRAN INSTRUMENTS CORPORATION	330 NANTUCKET BLVD TORONT	ONT CAN M1P2P4	ON	99999
TENCON INC	530 JONES ST	VERONA	PA	15147
TENNESSEE ELECTRIC COMPANY INC	1700 N JOHN B DENNIS HWY	KINGSPORT	TN	37664

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TENNESSEE LEE COMPANY	331 MALLORY STATION RD	FRANKLIN	TN	37067
TERRAZZO USA AND ASSOCIATES INC	404 E FRANKLIN AVENUE	SHAWNEE	OK	74804
TERWISSCHA CONSTRUCTION INC	1107 HAZELTINE BLVD MD 68	CHASKA	MN	55318
TESTEX INC	535 OLD FRANKSTOWN ROAD	PITTSBURGH	PA	15239
TEXOMA INDUSTRIAL INSULATION ASSOCIATION	1202 N HWY 91	DENISON	TX	75021
TGB INSULATION LLC	7001 HIGHWAY 271 SOUTH	FORT SMITH	AR	72908
THE DRILLER LLC	5125 E UNIVERSITY AVE	PLEASANT HILL	IA	50327
THE FAVERGRAY COMPANY	415 PABLO AVE STE 200	JACKSONVILLEBEACH	FL	32250
THE FISHEL COMPANY	1810 ARLINGATE LN	COLUMBUS	OH	43228
THE FORREST GROUP LTD	2108 N 129TH E AVENUE	TULSA	OK	74116
THE FRED CHRISTEN & SONS COMPANY	714 GEORGE ST	TOLEDO	OH	43608
THE KILIAN CORPORATION	608 S INDEPENDENCE	MASCOUTAH	IL	62258
THE MAXIS GROUP INC	8225 E DEL CAMINO DR 100	SCOTTSDALE	AZ	85258
THE MORGANTI GROUP INC	100 MILL PLAIN ROAD 400	DANBURY	CT	06811
THE REDMOND COMPANY	W228 N745 WESTMOUND DR	WAUKESHA	WI	53186
THE ROSS GROUP CONSTRUCTION CORPORATION	10159 E 11TH ST STE 200	TULSA	OK	74128
THIELSCH ENGINEERING INC	195 FRANCES AVENUE	CRANSTON	RI	02910
THOMAS GRACE CONSTRUCTION INC	5605 MEMORIAL AVENUE N	STILLWATER	MN	55082
THOMPSON ELECTRIC CO	721 14TH ST	SIOUX CITY	IA	51105
TINDALL CONTRACTOR INC	5240 NAMEOKI ROAD	PONTOON BEACH	IL	62040
TITAN CONTRACTING & LEASING CO INC	2205 RAGU DRIVE	OWENSBORO	KY	42302
TOMS TUCKPOINTING LLC	410 W ELM	CORNING	AR	72422
TOTAL ELECTRIC CONTRACTORS INC	PO BOX 13247	EDWARDSVILLE	KS	66113
TOTAL QUALITY ASSURANCE CABLE SPECIALISTS INC	7185 PRESTWICK RD	RAPID CITY	SD	57702
TOURNEAR ROOFING CO	2605 SPRING LAKE RD	QUINCY	IL	62305
TOWN AND COUNTRY PLUMBING INC	1201 N 2ND STREET	ROGERS	AR	72756
TRAC WORK INC	303 W KNOX	ENNIS	TX	75119
TRADEMARK RESTORATION INCORPORATED	6260 E RIVERSIDE BLVD 163	LOVES PARK	IL	61111
TRI C CONSTRUCTION COMPANY INC	1765 MERRIMAN RD	AKRON	OH	44313
TRI COUNTY WELDING & FABRICATION	1031 E COLUMBIA STREET	ARTHUR	IL	61911
TRI NORTH BUILDERS INC	2625 RESEARCH PARK DR	FITCHBURG	WI	53711
TRI STATE EXTERIOR SOLUTIONS LLC	80 LODGE POLE LN STE B	BOZEMAN	MT	59718
TROTTER GENERAL CONTRACTING INC	820 WEST JACKSON STREET	MACOMB	IL	61455
TRUCK CRANE SERVICE COMPANY	2875 HIGHWAY 55	EAGAN	MN	55121
TUFF WRAP INSTALLATIONS INC	2080 DETWILER ROAD STE 2	HARLEYSVILLE	PA	19438
TUNISTA CONSTRUCTION LLC	745 WEST 4TH AVE STE 306	ANCHORAGE	AK	99501
TURNER CERAMIC TILE INC	11535 KAW DR	KANSAS CITY	KS	66111
TWEET GAROT MECHANICAL INC	2545 LARSEN RD	GREEN BAY	WI	54303
TYROLT INCORPORATED DELAWARE	724 N MERCER ST	DECATUR	IL	62522
U S ELECTRICAL CONSTRUCTION CO INC	160 HARRISONVILLE LAKE RD	WOODSTOWN	NJ	08098
U.S. INDUSTRIES GROUP INC	1701 FIRST AVENUE	EVANSVILLE	IN	47710

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UCI INC	659 N MAIN	WICHITA	KS	67214
UDIG LLC	6641 W BROAD ST STE G105	RICHMOND	VA	23230
ULTIMATE THERMAL INC	P O BOX 34818	OMAHA	NE	68134
UNITED GOLF LLC	11 E 5TH ST STE 500	TULSA	OK	74103
UNITED INSULATED STRUCTURES CORP	5430 ST CHARLES ROAD	BERKELEY	IL	60163
UNITED PIPING INC	4510 AIRPORT ROAD	DULUTH	MN	55811
UNIVERSAL COMMUNICATIONS LLC	19915 WEST 161ST ST STE E	OLATHA	KS	66062
UNIVERSAL WALL SYSTEMS INC	6119 28TH ST SE STE B	GRAND RAPIDS	MI	49546
UPCHURCH PLUMBING INC	PO BOX 8106	GREENWOOD	MS	38935
UPPER MO RIVER COMMERCIAL CONTRACTORS LLC	701 NW 27TH ST	LINCOLN	NE	68528
URETEK ICR HEARTLAND	1200 SW BROOKSIDE CIR 15	GRIMES	IA	50111
URETEK USA INC	CONSUMER'S USE TAX	MACON	MO	63552
USC GRAIN SYSTEMS LLC	2320 124TH ROAD	SABETHA	KS	66534
UTILITY METERING SOLUTIONS	8812 FREY ROAD	HOUSTON	TX	77034
UTILITY SOLUTIONS LLC	17835 185TH STREET	TONGANOXIE	KS	66086
VALIANT INTERNATIONAL INC	1511 EAST 14 MILE RD	TROY	MI	48083
VAN ERT ELECTRIC COMPANY INC	7019 WEST STEWART AVENUE	WAUSAU	WI	54401
VANCE CONSTRUCTION SOLUTIONS LLC	925 EAST PARKER ROAD	JONESBORO	AR	72404
VC INTERNATIONAL INC	27 MCDONALD AVENUE	DARTMOUTH B3B 1C6	NS	99999
VECTOR CONSTRUCTION INC	3814 3RD AVE NW	FARGO	ND	58102
VELEX INC	1301 CENTRAL EXPWY S#200	ALLEN	TX	75013
VENTURE CONSTRUCTION CO MIDWEST	5660 PEACHTREE INDUSTRIAL	NORCROSS	GA	30071
VETERANS RANGE SOLUTIONS LLC	24308 OAK MEADOW LANE	FREDERICKSBURG	VA	22407
VFC	90 CUTLER DRIVE	NORTH SALT LAKE	UT	84054
VFP FIRE SYSTEMS INC	301 YORK AVE	ST PAUL	MN	55130
VIACON INC	70 BANKS RD	STOCKBRIDGE	GA	30281
VISIONSOFT INTERNATIONAL INC	1842 OLD NORCROSS RD 100	LAWRENCEVILLE	GA	30044
VISU SEWER CLEAN & SEAL INC	W230 N4855 BETKER RD	PEWAUKEE	WI	53072
VKW CONSTRUCTION LLC	505 S MADISON DRIVE	TEMPE	AZ	85281
VON ALST OPERATING LLC	2416 SMELTING WORKS ROAD	SWANSEA	IL	62226
WADES REFRIGERATION INC	P O BOX 2164	BATESVILLE	AR	72503
WALSH CONSTRUCTON COMPANY II LLC	929 W ADAMS STREET	CHICAGO	IL	60607
WALTERS CARPENTRY INC	2340 SHEPLER CHRCH AVE SW	CANTON	OH	44706
WALTERS MORGAN CONSTRUCTION INC	2616 TUTTLE CREEK BLVD	MANHATTAN	KS	66502
WATSON ELECTRIC INC	318 N 8TH ST	SALINA	KS	67401
WATTS ELECTRIC COMPANY	13351 DOVERS STREET	WAVERLY	NE	68462
WAVE COMMUNICATIONS INC	4587 HWY TT	SUN PRAIRIE	WI	53590
WEATHERCRAFT COMPANY OF GRAND ISLAND	PO BOX 80459	LINCOLN	NE	68501
WEATHERCRAFT COMPANY OF LINCOLN	5410 NW 44TH ST STE A	LINCOLN	NE	68524
WEBER AIR CONDITIONING CO INC	2501 CONE DR	TARRANT	AL	35217
WESSONS ECO CLEANING	10239 W 86TH TERRACE	OVERLAND PARK	KS	66212
WESTIN CONSTRUCTION COMPANY	10828 NESBITT AVE SO	BLOOMINGTON	MN	55437

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
WHEATLAND CONTRACTING LLC	6204 246TH RD	EFFINGHAM	KS	66023
WHITE CONSTRUCTION INC	11993 S STATE RD 63	CLINTON	IN	47842
WIGINTON CORPORATION	699 AERO LN	SANFORD	FL	32771
WILLIAM G CURTH INC	13306 WEST 75TH COURT	SHAWNEE	KS	66216
WILLIAMS ELECTRIC CO INC	695 DENTON BLVD	FORT WALTON BEA	FL	32547
WOLF CONSTRUCTION INC	5630 SW RANDOLPH	TOPEKA	KS	66609
WOLFSWINKEL INC	2202 WOLF WAY	WDM	IA	50265
WOODS BASEMENT SYSTEMS INC	524 VANDALIA ST	COLLINSVILLE	IL	62234
WORLDWIDE TURBINES LLC	1001 YAMATO RD STE 312	BOCA RATON	FL	33431
WR NEWMAN & ASSOCIATES INC	2854 LOGAN ST	NASHVILLE	TN	37211
WSI INC	6414 D ROAD	WATERLOO	IL	62298
WYOMING EFFICIENCY CONTRACTORS INC	530 E COSTILLA STREET	COLORADO SPRINGS	CO	80903
YOKOGAWA CORPORATION OF AMERICA	2 DART RD	NEWNAN	GA	30265
YOTHER CONSTRUCTION MANAGEMENT INCORPORATED	36800 N SIDEWINDER STE 5	CAREFREE	AZ	85377
ZAPATA ENGINEERING PA	6302 FAIRVIEW RD STE 600	CHARLOTTE	NC	28210
ZERNCO INC	14033 SW TAWAKONI RD	AUGUSTA	KS	67010
ZIMMERMAN CONSTRUCTION COMPANY INC	12509 HEMLOCK ST	OVERLAND PARK	KS	66213

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to dissolutions@sos.mo.gov.

**NOTICE OF WINDING UP AND DISSOLUTION
TO ALL CREDITORS AND CLAIMANTS
AGAINST MIDWEST DYNAMICS, INC.**

Midwest Dynamics, Inc., a Missouri corporation, plans to dissolve. Dissolution of the corporation has been authorized by Action by Unanimous Written Consent of Shareholders dated June 7, 2016, pursuant to Missouri Revised Statute 351.466. Said corporation requests that all persons and organizations who have claims against it present them immediately by letter to the corporation:

MIDWEST DYNAMICS, INC.
C/O REGISTERED AGENT, L.L.C.
117 SOUTH LEXINGTON ST., STE 100
HARRISONVILLE, MO 64701

All claims must include the following: (i) the name, address and telephone number of the claimant; (ii) the amount of the claim; (iii) the basis for the claim; (iv) documentation of the claim; and (v) the date(s) on which the event(s) on which the claim is based occurred and whether the claim is secured, and if so, a description of the collateral.

Because of the dissolution of Midwest Dynamics, Inc. any claims against it will be barred unless a proceeding to enforce the claim is commenced within two years after the publication of this notice.

**NOTICE OF CORPORATE DISSOLUTION TO ALL CREDITORS OF AND
CLAIMANTS AGAINST ROBERT C. STEPPLER, D.D.S., P.C.**

On July 19, 2016, Robert C. Steppler, D.D.S., P.C., a Missouri professional corporation (the "Corporation"), filed its Articles of Dissolution by Voluntary Action with the Missouri Secretary of State. All persons and organizations with claims against the Corporation must submit to Robert C. Steppler, Liquidation Trustee, c/o Evans & Dixon, L.L.C., 211 N. Broadway, #2500, St. Louis, MO 63102, a written summary of any claims against the Corporation, which shall include the name, address, and telephone numbers of the claimant, the amount of the claim, date(s) the claim accrued, a brief description of the nature/basis for the claim, and any documentation of the claim. Claims against the Corporation will be barred unless a proceeding to enforce the claim is commenced within two years after the publication of this notice.

**NOTICE OF WINDING UP TO ALL CREDITORS
AND CLAIMANTS OF CREECH FAMILY FARM LLC**

You are hereby notified that Creech Family Farm LLC, a Missouri limited liability company (the "Company"), the principal office of which is located at 2721 El Camino Drive, St. Charles, Missouri 63301, filed a Notice of Winding Up for Limited Liability Company with the Secretary of the State of Missouri on August 1, 2016. In order to file a claim with the Company, you must furnish:

1. The name and address of the claimant;
2. Amount of claim;
3. Basis for the claim;
4. Documentation of the claim; and
5. The date(s) on which the event(s) on which the claim is based occurred.

The claim must be mailed to A. Carter Creech, Jr., 300 Crescent Court, Dallas, Texas 75201. A claim against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication date of this notice.

**NOTICE OF WINDING UP TO ALL CREDITORS OF AND
CLAIMANTS AGAINST B&S FENCING, L.L.C., A
MISSOURI LIMITED LIABILITY COMPANY**

On July 25, 2016, B&S Fencing, L.L.C., Charter Number LC1325499, filed its Notice of Winding Up with the Missouri Secretary of State. Said Company requests that all persons and organizations who have claims against it present them immediately by letter to Danny Joe Brown, 14506 290th Street, Skidmore, MO 64487. All claims must include the following information: (1) The name and current address of the claimant. (2) The amount claimed. (3) A brief description and nature of the debt or the basis for the claim. (4) The date the claim was incurred.

Note: Any claims against the Corporation will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this or any other notice authorized by statute, whichever is published last.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
COLORADO AUSTIN HEIGHTS RETURN, LLC**

On July 28, 2016, Colorado Austin Heights Return, LLC, a Missouri limited liability company (hereinafter the “**Company**”), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: Douglas M. Neeb, 1111 Main Street, Suite 1600, Kansas City, Missouri, 64105. Each claim must include the following information: name, address and phone number of the claimant; amount claimed; date on which the claim arose; basis for the claim; and documentation in support of the claim

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
COLORADO COUNTRYSIDE RETURN, LLC**

On July 28, 2016, Colorado Countryside Return, LLC, a Missouri limited liability company (hereinafter the “**Company**”), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: Douglas M. Neeb, 1111 Main Street, Suite 1600, Kansas City, Missouri, 64105. Each claim must include the following information: name, address and phone number of the claimant; amount claimed; date on which the claim arose; basis for the claim; and documentation in support of the claim

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
COLORADO GLENWOOD PARACHUTE RETURN, LLC**

On July 28, 2016, Colorado Glenwood Parachute Return, LLC, a Missouri limited liability company (hereinafter the “**Company**”), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: Douglas M. Neeb, 1111 Main Street, Suite 1600, Kansas City, Missouri, 64105. Each claim must include the following information: name, address and phone number of the claimant; amount claimed; date on which the claim arose; basis for the claim; and documentation in support of the claim

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF DISSOLUTION TO ALL CREDITORS OF
AND CLAIMANTS AGAINST LENGE FAMILY LP**

On August 1, 2016, Lenge Family LP, a Missouri limited partnership, was dissolved upon the filing of a Cancellation of Registration with the Secretary of State.

Said partnership requests that all persons and organizations who have claim against it present them immediately by letter to: J. Brian Hill, Esq., 2900 Brooktree Lane, Suite 100, Gladstone, Missouri 64119. All claims must include the claimant's name, address and telephone number, the amount, date and basis for the claim.

ANY CLAIMS AGAINST LENGE FAMILY LP WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN THREE YEARS AFTER THE LAST PUBLICATION DATE OF THE NOTICES AUTHORIZED BY STATUTE.

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—39 (2014) and 40 (2015). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				40 MoReg 1836
1 CSR 10-17.010	Commissioner of Administration		41 MoReg 660		
1 CSR 10-17.040	Commissioner of Administration		41 MoReg 661		
1 CSR 10-17.050	Commissioner of Administration		41 MoReg 666		
1 CSR 30-5.010	Division of Facilities Management, Design and Construction		41 MoReg 667		
1 CSR 40-1.050	Purchasing and Materials Management		41 MoReg 671		
DEPARTMENT OF AGRICULTURE					
2 CSR 30-10.010	Animal Health	40 MoReg 1623	41 MoReg 548	41 MoReg 1104	
2 CSR 80-2.010	State Milk Board		41 MoReg 727	This Issue	
2 CSR 80-2.020	State Milk Board		41 MoReg 727	This Issue	
2 CSR 80-2.030	State Milk Board		41 MoReg 728	This Issue	
2 CSR 80-2.040	State Milk Board		41 MoReg 728	This Issue	
2 CSR 80-2.050	State Milk Board		41 MoReg 832		
2 CSR 80-2.060	State Milk Board		41 MoReg 729	This Issue	
2 CSR 80-2.070	State Milk Board		41 MoReg 729	This Issue	
2 CSR 80-2.080	State Milk Board		41 MoReg 731	This Issue	
2 CSR 80-2.091	State Milk Board		41 MoReg 731	This Issue	
2 CSR 80-2.101	State Milk Board		41 MoReg 731	This Issue	
2 CSR 80-2.110	State Milk Board		41 MoReg 732	This Issue	
2 CSR 80-2.121	State Milk Board		41 MoReg 732	This Issue	
2 CSR 80-2.130	State Milk Board		41 MoReg 733	This Issue	
2 CSR 80-2.141	State Milk Board		41 MoReg 733	This Issue	
2 CSR 80-2.151	State Milk Board		41 MoReg 734	This Issue	
2 CSR 80-2.161	State Milk Board		41 MoReg 734	This Issue	
2 CSR 80-2.170	State Milk Board		41 MoReg 734	This Issue	
2 CSR 80-2.180	State Milk Board		41 MoReg 735	This Issue	
2 CSR 80-2.181	State Milk Board		41 MoReg 735	This Issue	
2 CSR 80-3.060	State Milk Board		41 MoReg 736	This Issue	
2 CSR 80-3.120	State Milk Board		41 MoReg 736	This Issue	
2 CSR 80-3.130	State Milk Board		41 MoReg 736	This Issue	
2 CSR 80-4.010	State Milk Board		41 MoReg 737	This Issue	
2 CSR 80-5.010	State Milk Board		41 MoReg 548	41 MoReg 1033	
2 CSR 90-10	Weights and Measures				39 MoReg 1399 40 MoReg 1046 41 MoReg 1036 41 MoReg 1003
2 CSR 90-10.001	Weights and Measures		41 MoReg 939		41 MoReg 1003
2 CSR 90-10.011	Weights and Measures		41 MoReg 939		41 MoReg 1003
2 CSR 90-10.012	Weights and Measures		41 MoReg 940		41 MoReg 1003
2 CSR 90-10.013	Weights and Measures		41 MoReg 940		41 MoReg 1003
2 CSR 90-10.014	Weights and Measures				41 MoReg 1003
2 CSR 90-10.020	Weights and Measures		41 MoReg 940		
2 CSR 90-10.040	Weights and Measures		41 MoReg 941		
2 CSR 90-10.090	Weights and Measures		41 MoReg 941R		
2 CSR 90-10.120	Weights and Measures				41 MoReg 1003
2 CSR 90-30.040	Weights and Measures	41 MoReg 1029	41 MoReg 1031		
2 CSR 100-II.010	Missouri Agricultural and Small Business Development Authority		41 MoReg 549	41 MoReg 1033	
2 CSR 100-II.020	Missouri Agricultural and Small Business Development Authority		41 MoReg 553	41 MoReg 1033	
DEPARTMENT OF CONSERVATION					
3 CSR 10-1.010	Conservation Commission		41 MoReg 481	41 MoReg 997	
3 CSR 10-7.410	Conservation Commission		41 MoReg 488	41 MoReg 997	
3 CSR 10-7.433	Conservation Commission		41 MoReg 488	41 MoReg 997	
3 CSR 10-7.455	Conservation Commission		41 MoReg 488	41 MoReg 998	
3 CSR 10-II.110	Conservation Commission		41 MoReg 489	41 MoReg 998	
3 CSR 10-II.180	Conservation Commission		41 MoReg 489	41 MoReg 1000	
3 CSR 10-12.101	Conservation Commission		41 MoReg 489	41 MoReg 1001	
3 CSR 10-12.125	Conservation Commission		41 MoReg 489	41 MoReg 1001	
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 240-3.105	Public Service Commission		41 MoReg 305	41 MoReg 1104W	
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 20-100.110	Division of Learning Services		41 MoReg 443	41 MoReg 1104	
5 CSR 20-100.120	Division of Learning Services		41 MoReg 443	41 MoReg 1105	
5 CSR 20-200.110	Division of Learning Services		41 MoReg 832R		
5 CSR 20-200.120	Division of Learning Services		41 MoReg 833R		
5 CSR 20-200.130	Division of Learning Services		41 MoReg 833R		
5 CSR 20-200.140	Division of Learning Services		41 MoReg 833R		
5 CSR 20-200.150	Division of Learning Services		41 MoReg 833R		
5 CSR 20-200.220	Division of Learning Services		41 MoReg 834R		
5 CSR 20-200.270	Division of Learning Services		41 MoReg 834R		
5 CSR 20-400.380	Division of Learning Services		41 MoReg 941		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
5 CSR 30-680.050	Division of Financial and Administrative Services		41 MoReg 737		
5 CSR 100-200.035	Missouri Commission for the Deaf and Hard of Hearing		41 MoReg 738		
5 CSR 100-200.040	Missouri Commission for the Deaf and Hard of Hearing		41 MoReg 738		
5 CSR 100-200.047	Missouri Commission for the Deaf and Hard of Hearing		41 MoReg 739		
5 CSR 100-200.050	Missouri Commission for the Deaf and Hard of Hearing		41 MoReg 739		
5 CSR 100-200.060	Missouri Commission for the Deaf and Hard of Hearing		41 MoReg 739		
5 CSR 100-200.070	Missouri Commission for the Deaf and Hard of Hearing		41 MoReg 740		
5 CSR 100-200.095	Missouri Commission for the Deaf and Hard of Hearing		41 MoReg 740		
5 CSR 100-200.130	Missouri Commission for the Deaf and Hard of Hearing		41 MoReg 740		
5 CSR 100-200.170	Missouri Commission for the Deaf and Hard of Hearing		41 MoReg 741		
DEPARTMENT OF HIGHER EDUCATION					
6 CSR 10-2.080	Commissioner of Higher Education		41 MoReg 885		
6 CSR 10-2.100	Commissioner of Higher Education		41 MoReg 886		
6 CSR 10-2.120	Commissioner of Higher Education		41 MoReg 887		
6 CSR 10-2.130	Commissioner of Higher Education		41 MoReg 888R		
6 CSR 10-2.140	Commissioner of Higher Education		41 MoReg 888		
6 CSR 10-2.150	Commissioner of Higher Education		41 MoReg 889		
6 CSR 10-2.160	Commissioner of Higher Education		41 MoReg 890		
6 CSR 10-2.170	Commissioner of Higher Education		41 MoReg 891		
6 CSR 10-2.180	Commissioner of Higher Education		41 MoReg 891		
6 CSR 10-2.200	Commissioner of Higher Education		41 MoReg 892		
6 CSR 10-13.010	Commissioner of Higher Education		41 MoReg 894		
DEPARTMENT OF TRANSPORTATION					
7 CSR	Department of Transportation				41 MoReg 845
7 CSR 10-1.010	Missouri Highways and Transportation Commission		This Issue		
7 CSR 10-25.010	Missouri Highways and Transportation Commission				41 MoReg 1003 41 MoReg 1106 This Issue This Issue
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS					
8 CSR	Department of Labor and Industrial Relations				41 MoReg 845
DEPARTMENT OF MENTAL HEALTH					
9 CSR	Department of Mental Health				41 MoReg 845
9 CSR 10-5.250	Director, Department of Mental Health		41 MoReg 775		
9 CSR 10-7.140	Director, Department of Mental Health		41 MoReg 494	This Issue	
9 CSR 30-3.310	Certification Standards		41 MoReg 678	This Issue	
9 CSR 45-3.030	Division of Developmental Disabilities		41 MoReg 1065		
9 CSR 45-3.040	Division of Developmental Disabilities		41 MoReg 1066		
9 CSR 45-3.060	Division of Developmental Disabilities		41 MoReg 1067		
9 CSR 45-4.020	Division of Developmental Disabilities		41 MoReg 775		
9 CSR 45-4.030	Division of Developmental Disabilities		41 MoReg 494R	This IssueR	
9 CSR 45-4.040	Division of Developmental Disabilities		41 MoReg 495R	This IssueR	
9 CSR 60-1.010	Research		41 MoReg 1069		
9 CSR 60-1.015	Research		41 MoReg 1069		
DEPARTMENT OF NATURAL RESOURCES					
10 CSR	Department of Natural Resources				41 MoReg 845
10 CSR 10-6.210	Air Conservation Commission		41 MoReg 742		
10 CSR 10-6.220	Air Conservation Commission		41 MoReg 555		
10 CSR 10-6.250	Air Conservation Commission		40 MoReg 1023	41 MoReg 37	
10 CSR 20-6.011	Clean Water Commission				This Issue
10 CSR 20-6.300	Clean Water Commission		41 MoReg 308	This Issue	
10 CSR 20-8.300	Clean Water Commission		41 MoReg 322	This Issue	
10 CSR 20-8.500	Clean Water Commission		41 MoReg 1070		
10 CSR 26-2.010	Petroleum and Hazardous Substance Storage Tanks		This Issue		
10 CSR 26-2.011	Petroleum and Hazardous Substance Storage Tanks		This Issue		
10 CSR 26-2.012	Petroleum and Hazardous Substance Storage Tanks		This Issue		
10 CSR 26-2.013	Petroleum and Hazardous Substance Storage Tanks		This Issue		
10 CSR 26-2.019	Petroleum and Hazardous Substance Storage Tanks		This Issue		
10 CSR 26-2.020	Petroleum and Hazardous Substance Storage Tanks		This Issue		
10 CSR 26-2.021	Petroleum and Hazardous Substance Storage Tanks		This Issue		
10 CSR 26-2.022	Petroleum and Hazardous Substance Storage Tanks		This Issue		
10 CSR 26-2.030	Petroleum and Hazardous Substance Storage Tanks		This Issue		
10 CSR 26-2.031	Petroleum and Hazardous Substance Storage Tanks		This Issue		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
10 CSR 26-2.032	Petroleum and Hazardous Substance Storage Tanks		This Issue		
10 CSR 26-2.033	Petroleum and Hazardous Substance Storage Tanks		This Issue		
10 CSR 26-2.034	Petroleum and Hazardous Substance Storage Tanks		This Issue		
10 CSR 26-2.035	Petroleum and Hazardous Substance Storage Tanks		This Issue		
10 CSR 26-2.036	Petroleum and Hazardous Substance Storage Tanks		This Issue		
10 CSR 26-2.040	Petroleum and Hazardous Substance Storage Tanks		This Issue		
10 CSR 26-2.041	Petroleum and Hazardous Substance Storage Tanks		This Issue		
10 CSR 26-2.042	Petroleum and Hazardous Substance Storage Tanks		This Issue		
10 CSR 26-2.043	Petroleum and Hazardous Substance Storage Tanks		This Issue		
10 CSR 26-2.044	Petroleum and Hazardous Substance Storage Tanks		This Issue		
10 CSR 26-2.045	Petroleum and Hazardous Substance Storage Tanks (<i>Changed to 10 CSR 26-2.048</i>)		This Issue		
10 CSR 26-2.046	Petroleum and Hazardous Substance Storage Tanks		This Issue		
10 CSR 26-2.047	Petroleum and Hazardous Substance Storage Tanks		This Issue		
10 CSR 26-2.048	Petroleum and Hazardous Substance Storage Tanks (<i>Changed from 10 CSR 26-2.045</i>)		This Issue		
10 CSR 26-2.050	Petroleum and Hazardous Substance Storage Tanks		This Issue		
10 CSR 26-2.052	Petroleum and Hazardous Substance Storage Tanks		This Issue		
DEPARTMENT OF PUBLIC SAFETY					
11 CSR 45-8.140	Missouri Gaming Commission	41 MoReg 1053	41 MoReg 1078		
11 CSR 45-9.108	Missouri Gaming Commission	41 MoReg 1054	41 MoReg 1078		
11 CSR 45-9.113	Missouri Gaming Commission		41 MoReg 834		
11 CSR 45-13.051	Missouri Gaming Commission		41 MoReg 946		
11 CSR 45-30.056	Missouri Gaming Commission		41 MoReg 946		
11 CSR 45-30.175	Missouri Gaming Commission		41 MoReg 947		
11 CSR 45-30.280	Missouri Gaming Commission		41 MoReg 947		
11 CSR 45-30.540	Missouri Gaming Commission		41 MoReg 948		
11 CSR 45-30.600	Missouri Gaming Commission		41 MoReg 949		
11 CSR 45-30.610	Missouri Gaming Commission		41 MoReg 949		
11 CSR 75-18.010	Peace Officer Standards and Training Program		40 MoReg 232	40 MoReg 969	
11 CSR 75-18.020	Peace Officer Standards and Training Program		40 MoReg 233	40 MoReg 973	
11 CSR 75-18.030	Peace Officer Standards and Training Program		40 MoReg 234	40 MoReg 973	
11 CSR 75-18.040	Peace Officer Standards and Training Program		40 MoReg 234	40 MoReg 976	
11 CSR 75-18.050	Peace Officer Standards and Training Program		40 MoReg 235	40 MoReg 976	
11 CSR 75-18.060	Peace Officer Standards and Training Program		40 MoReg 235	40 MoReg 976	
11 CSR 75-18.070	Peace Officer Standards and Training Program		40 MoReg 236	40 MoReg 976	
DEPARTMENT OF REVENUE					
12 CSR 30-4.010	State Tax Commission		41 MoReg 160		
DEPARTMENT OF SOCIAL SERVICES					
13 CSR 40-7.050	Family Support Division		41 MoReg 557	41 MoReg 1033	
13 CSR 70-3.260	MO HealthNet Division		41 MoReg 949		
13 CSR 70-10.016	MO HealthNet Division	41 MoReg 655 41 MoReg 1054	41 MoReg 776		
13 CSR 70-10.030	MO HealthNet Division	This Issue	This Issue		
13 CSR 70-15.010	MO HealthNet Division	41 MoReg 935	41 MoReg 955		
13 CSR 70-15.030	MO HealthNet Division		41 MoReg 781		
13 CSR 70-15.110	MO HealthNet Division	41 MoReg 936	41 MoReg 957		
13 CSR 70-35.010	MO HealthNet Division		41 MoReg 560		
DEPARTMENT OF CORRECTIONS					
14 CSR 80-1.010	State Board of Probation and Parole		41 MoReg 963		
ELECTED OFFICIALS					
15 CSR 30-54.260	Secretary of State		41 MoReg 782		
15 CSR 40-3.120	State Auditor		41 MoReg 563R		
15 CSR 40-3.125	State Auditor		41 MoReg 563		
15 CSR 40-3.135	State Auditor		41 MoReg 595		
RETIREMENT SYSTEMS					
16 CSR 10-3.010	The Public School Retirement System of Missouri		41 MoReg 744		
16 CSR 10-6.020	The Public School Retirement System of Missouri		41 MoReg 744		
16 CSR 20-4.010	Missouri Local Government Employees' Retirement System (LAGERS)		41 MoReg 1078		
16 CSR 50-2.035	The County Employees' Retirement Fund		41 MoReg 1084		
DEPARTMENT OF HEALTH AND SENIOR SERVICES					
19 CSR 15-8.410	Division of Senior and Disability Services		40 MoReg 131		
19 CSR 30-40.331	Division of Regulation and Licensure		41 MoReg 495	This Issue	
19 CSR 30-40.342	Division of Regulation and Licensure		41 MoReg 496	This Issue	
19 CSR 30-40.800	Division of Regulation and Licensure		41 MoReg 782		
19 CSR 60-50	Missouri Health Facilities Review Committee				41 MoReg 1107

Rule Number	Agency	Emergency	Proposed	Order	In Addition
DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION					
20 CSR 700-3.200	Insurance Licensing		41 MoReg 444	41 MoReg 1002	
20 CSR 2110-2.210	Missouri Dental Board		40 MoReg 268	40 MoReg 981	
20 CSR 2115-2.060	State Committee of Dietitians		41 MoReg 1084		
20 CSR 2115-2.061	State Committee of Dietitians		41 MoReg 1085		
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13 CSR 70-15.010	Inpatient Hospital Services Reimbursement Plan: Outpatient Hospital Reimbursement Methodology	41 MoReg 935	July 1, 2016Dec. 27, 2016
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20 CSR 2150-2.080	Physician Licensure Fees	Next Issue	Sept. 11, 2016March 9, 2017
20 CSR 2150-3.080	Fees (Res)	Next Issue	Sept. 11, 2016March 9, 2017
20 CSR 2150-3.080	Physical Therapists Licensure Fees	Next Issue	Sept. 11, 2016March 9, 2017
20 CSR 2150-3.170	Physical Therapist Assistant Licensure Fees (Res)	Next Issue	Sept. 11, 2016March 9, 2017
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20 CSR 2150-4.060 Speech-Language Pathology and Audiology Licensure Fees	Next Issue	Sept. 11, 2016 . . .	March 9, 2017
20 CSR 2150-6.050 Fees (Res)	Next Issue	Sept. 11, 2016 . . .	March 9, 2017
20 CSR 2150-6.050 Athletic Trainer Licensure Fees	Next Issue	Sept. 11, 2016 . . .	March 9, 2017
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22 CSR 10-2.094 Tobacco-Free Incentive Provisions and Limitations	Next Issue	Oct. 1, 2016 . . .	March 29, 2017
22 CSR 10-2.120 Partnership Incentive Provisions and Limitations (Res) . .	Next Issue	Oct. 1, 2016 . . .	March 29, 2017
22 CSR 10-2.120 Partnership Incentive Provisions and Limitations	Next Issue	Oct. 1, 2016 . . .	March 29, 2017

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Orders****Subject Matter****Filed Date****Publication****2016**

16-07	Declares that a State of Emergency exists in the State of Missouri and directs that the Missouri State Emergency Operations Plan be activated as a result of storms that began on May 25, 2016. This order shall terminate on June 26, 2016, unless extended.	May 27, 2016	41 MoReg 830
16-06	Declares that the next Missouri Poet Laureate will be named in June 2016 and directs that a Missouri Poet Laureate be named biennially to serve for two years at the pleasure of the governor. The order also includes qualifications and responsibilities for the post. Additionally the Missouri Poet Laureate Advisory Committee is hereby established.	May 27, 2016	41 MoReg 828
16-05	Directs the Department of Public Safety, with guidance from the Missouri Veteran's Commission and the Adjutant General of the State of Missouri, to coordinate events with the World War I Centennial Commission that recognize and remember efforts and sacrifices of all Americans during World War I.	May 27, 2016	41 MoReg 826
16-04	Orders all departments, agencies and boards, and commissions, in the Executive Branch subject to the authority of the governor to take all necessary action to amend initial employment applications by removing questions related to an individual's criminal history unless a criminal history would render an applicant ineligible for the position.	April 11, 2016	41 MoReg 658
16-03	Extends Executive Orders 15-10, 15-11, and 16-02 until February 22, 2016, due to severe weather that began on December 22, 2015.	Jan. 22, 2016	41 MoReg 299
16-02	Gives the director of the Department of Natural Resources the authority to temporarily suspend regulations in the aftermath of severe weather that began on December 22, 2015.	Jan. 6, 2016	41 MoReg 235
16-01	Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies.	Jan. 4, 2016	41 MoReg 153

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15-11	Activates the state militia in response to severe weather that began on December 22, 2015.	Dec. 29, 2015	41 MoReg 151
15-10	Declares a state of emergency and directs that the Missouri State Emergency Operations Plan be activated due to severe weather that began on December 22, 2015.	Dec. 27, 2015	41 MoReg 149
15-09	Directs all Missouri Executive Branch agencies, as well as strongly encourages all private employers, to review and determine how the practices contained in the Harry S Truman School of Public Affairs preliminary guidelines and, eventually the Pay Equity Best Practices Guidelines, can be utilized by their agency or business and to identify and address any gender wage gap in order to ensure that all Missourians receive equal pay for equal work.	Dec. 4, 2015	41 MoReg 71
15-08	Closes state offices Nov. 27, 2015.	Nov. 6, 2015	40 MoReg 1630
15-07	Dedicates and renames the state office building located at 8800 East 63rd Street in Raytown, Missouri, in honor of Joseph Patrick Teasdale, the 48th governor of the state of Missouri.	Oct. 28, 2015	40 MoReg 1628
15-06	Lays out policies and procedures to be adopted by the Executive Branch of state government in procuring goods and services to enhance economic health and prosperity of Minority and Women Business Enterprises. This order supercedes Executive Order 05-30.	Oct. 21, 2015	40 MoReg 1624
15-05	Extends Executive Order 15-03 until August 14, 2015.	July 14, 2015	40 MoReg 1012
15-04	Orders all departments, agencies, boards, and commissions to comply with the Obergefell decision and rescinds Executive Order 13-14.	July 7, 2015	40 MoReg 1010
15-03	Declares a state of emergency exist in the State of Missouri and directs that the Missouri State of Emergency Operations Plan be activated.	June 18, 2015	40 MoReg 928
15-02	Extends Executive Order 14-06 and orders that the Division of Energy deliver a state energy plan to the governor by October 15, 2015.	May 22, 2015	40 MoReg 833
15-01	Appoints Byron M. Watson to the Ferguson Commission to fill the vacancy created by the resignation of Bethany A. Johnson-Javois.	Jan. 2, 2015	40 MoReg 173

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